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WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1998

HEARING

BEFORE THE

SUBCOMMITTEE ON TELECOMMUNICATIONS, TRADE, AND CONSUMER PROTECTION

OF THE

COMMITTEE ON COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

ON

H.R. 3844

JUNE 9, 1998

Serial No. 105–116

Printed for the use of the Committee on Commerce

STANFORD LIBRARIES
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U.S. GOVERNMENT PRINTING OFFICE
49–325CC WASHINGTON : 1998

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-057644-X

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WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1998

TUESDAY, JUNE 9, 1998

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
SUBCOMMITTEE ON TELECOMMUNICATIONS,
TRADE, AND CONSUMER PROTECTION,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2 p.m., in room 2123, Rayburn House Office Building, Hon. W.J. "Billy" Tauzin (chairman) presiding.

Members present: Representatives Tauzin, Oxley, Rogan, Shimkus, Markey, Sawyer, Eshoo, and Green.

Staff present: Tricia Paoletta, majority counsel; Hugh Halpern, majority counsel; Cliff Riccio, legislative clerk; and Andy Levin, minority counsel.

Mr. TAUZIN. The subcommittee will please come to order.

Ladies and gentlemen, today's hearing is on the important issue of Enhanced 911, and when I found out that 83,000 Americans use their wireless phone to dial 911 every day for help, 83,000 911 calls every day, I was amazed.

Our world is changing so fast that this wireless phone that was once considered a yuppie toy has now become an integral part of safety and security. So we held a hearing this spring to learn more about wireless emergency services, and what we heard ranged from tragedy to amazing.

Unfortunately, there are many States that have adopted different numbers for emergency services. Representative Pat Danner and others shared some rather tragic stories of travelers dialing 911 in States where 911 was not used. We heard of the importance of getting help to a victim of a car crash in those first 60 minutes, the golden hour, and how speeding up emergency services to the accident site can and does save American lives. In one particular memorable testimony we heard from a trauma surgeon how in his world time is tissue. What we learned in the hearing is that we can connect the dots of the technologies more rapidly if we establish something that does not yet exist. We should adopt a national policy on 911.

Technology described by some of the panelists, automatic cash notification, ACN, will help cut down on crash-response time and save lives. ACN, which is supported by the public safety health emergency groups, connects the dots to integrate existing technologies and infrastructure into a more responsive, effective emergency system that will more accurately respond to wireless calls for

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help. ACN is simply a system where the car notifies help to come because an accident has happened.

Fifteen of my colleagues, many of whom serve on the subcommittee, and I took what we learned in this hearing and we integrated these concepts into a bill. We are very proud today to have this hearing on H.R. 3844, the Wireless Communications and Public Safety Act of 1998. We believe this bill goes a long way in providing the support to save thousands of lives. There are several key elements of this bill—one, it designates 911 as the universal emergency telephone number in these United States.

Second, it provides grants to States for the National Highway Traffic Safety Administration to pay for wireless 911 upgrades.

Third, it provides for investment in research and development into automatic crash notification systems and the uniform wireless telephone interface from motor vehicles.

Next, it requires Federal agencies to make their real property available promptly for siting of wireless facilities unless doing so presents an unavoidable conflict with the agency's mission or current or planned use of the property. The agency may charge a reasonable fee, but the agency cannot just say no to the deployment of wireless services.

Finally, the bill would enact the good samaritan law for wireless providers and users, giving them the same protection from liability as in the wireline 911 system.

What we want States to do is to bring all the right people to the table so that decisions about 911 improvements and upgrades are made together.

There are some additional issues that people want to talk about. Some are advocating a technology-specific approach on how to achieve 911 improvements. Other witnesses think we should remain technology-neutral.

I hope our witnesses today will shed some real light on the so-called strongest signal issue. I understand that it may indeed provide many problems, perhaps more than it solves. At the last hearing ranking member Ed Markey brought up the issue of privacy—that the people assisted with this technology should not have it used against them in an unintended setting. We will continue to work with Congressman Markey to come up with language that addresses that problem, and I assume that we will touch on it today.

Representative Markey and I also join together to see how the process of siting towers on Federal lands works through the microcosm of the Rock Creek Park system. The argument was made that the reason carriers did not site on Federal lands was because it was too bureaucratic to do so.

Through this bill we hope to expedite this process so that we can generate the revenue stream that we need to upgrade 911 equipment and in fact to try the automatic crash notification system.

As I understand it, Mr. Markey is still hanging up on his staff twice a day as he drives from Rock Creek Park and he loses his signal and he is still unhappy, as am I. We want to make sure that [illegible]rgency 911 requests from Rock Creek Parkway or from [illegible]k [illegible]y, Louisiana will be connected when it is needed most and [illegible]ay we will get an upgrade of the process on this particular [illegible] Rock Creek.

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There are several important witnesses who have dedicated their lives to improving our emergency response infrastructure. They have a lot of information to share with us today, and I look forward to the discussion.

I want to also mention that in the audience today we have one of the VITA award winners. VITA is of course Latin for "life," and he is one of the industry's good samaritans. His name is Scott Edwards. He is 28 years old, from Hurricane, West Virginia. He served as a paramedic fire fighter in his hometown since 1988. He has worked for 5 years as a critical care paramedic and operations manager for Lifelines Ambulance Service of Blacksburg, Virginia, a place where my two sons now attend school.

Scott has completed more than a thousand hours of training, including courses offered by the West Virginia State Fire Marshall, the National Registry of Paramedics, Charleston Area Medical Center, Roanoke Memorial Hospital and Duke University.

For his efforts in combining his skills as a paramedic with the unique contact provided by his ever present cellular phone, Scott was honored as the 1998 VITA good samaritan for the State of West Virginia and by the Cellular Telephone Industry Association.

Some instances of his life-saving efforts just in the past year have included clearing the blocked airway of an unconscious man who collapsed at a Charleston Chamber of Commerce function, and assisting 2 people injured in a car crash.

One of them was transported to the hospital with multiple injuries to head and neck from a two-car crash with one person hurt in which Scott performed the victim's full assessment, maintained the cervical spine and loaded him for transport upon the arrival of paramedics.

In each case he used his cellular phone for help, and we are delighted that he is here today as one of the great care givers in the emergency care provision of services.

Scott, would you please rise so we can acknowledge you and welcome you here today?

Let me conclude by saying that we hoped to have Scott's testimony. We had not cleared it technically. I would encourage those of you who have come to this hearing to learn more to talk personally with Scott about the work of the emergency care individuals in our society who save lives and whose work could be so well enhanced with the passage of this bill.

I close with the anticipation of hearing how we can really make a difference in saving lives in this country through the enactment of H.R. 3844, and I yield to the gentlelady from California for an opening statement at this point.

[The prepared statement of Hon. W.J. "Billy" Tauzin follows:]

PREPARED STATEMENT OF HON. BILLY TAUZIN, CHAIRMAN, SUBCOMMITTEE ON TELECOMMUNICATIONS, TRADE AND CONSUMER PROTECTION

Earlier this Spring we held a hearing on the state of the wireless emergency services around our country. What we heard concerned a number of Members. We learned that many States have not adopted 911 as the emergency number for wireless calls. We heard the tragic consequences that can ensue when callers don't know the right number in that particular State for an emergency, or, know the right number but are in the wrong spot—in a "dead zone" where their phone is too far away to get a line from the nearest cell tower. We heard of the need for the Public Safety Answering Points—or PSAPs—to update their systems, so that they can receive ac-

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curate information from a wireless call, in order to determine what to send and where.

We heard of the importance of getting help to a victim of a car crash in the first 60 minutes—the golden hour, and how speeding emergency services to the site can save lives. In one particularly memorable testimony, we heard from a trauma surgeon how in his world, "time is tissue." Technology described by some of those panelists—automatic crash notification technology—will help cut down on time, and consequently save tissue—and save lives.

A month or so after that hearing, I introduced H.R. 3844 to find a way to connect the dots—to integrate the existing technologies and infrastructure into a more responsive, effective emergency service system, that will more rapidly and accurately respond to wireless calls for help. About twenty Members, many of whom serve on this Subcommittee and the full Committee, joined me in this effort.

A critical first step is to establish a universal emergency number. H.R. 3844 would establish 911 as the universal number for both wireline and wireless calls, in all of the States. A second critical step is to provide funding for the thousands of PSAPs out there, through state grants administered by the National Highway Traffic Safety Administration, to modernize their equipment so the infrastructure can accept number and location identification technology. NHTSA would also distribute funds for R&D into automatic crash notification technology, so that we can take the "search" out of "search and rescue." Our bill would also end the disparity with respect to liability for wireless and wireline emergency calls, to remove any disincentives wireless carriers may have in aggressively building out their networks.

So many Americans—55 million—subscribe to wireless services. Over 80,000 Americans every day use their cell phone to call out for help. To have that call go unanswered by virtue of being in a dead zone, or not knowing the correct emergency number, is simply unacceptable, especially when we have our own golden hour to facilitate the placement of thousands of needed antennas around the country on property under the control of the federal government. Therefore, H.R. 3844 contains a mechanism to expedite the leasing of federal property for siting a cellular or PCS antenna, so that these antennas can be put to the service of wireless subscribers bargaining for safety as soon as possible.

Ms. ESHOO. Thank you, Mr. Chairman, for having this very important hearing today, the Wireless Communication and Public Safety Act of 1998. It has of course the very laudable goal of improving our Nation's 911 networks. When someone has a car accident or witnesses a crime or has a medical emergency, they should be confident that by dialing 911, that help is immediately on the way, whether the call is made from a phone in their home, a pay phone, or a wireless phone in their car.

The legislation before us today seeks to build consumer confidence in this system by creating a funding stream to help upgrade 911 networks across our country. I have some questions regarding both the collection and use of these funds, but certainly the goal of improving public safety is worthy of support. For over 2 years now I have worked very hard to ensure that a 911 call over a wireless network is as reliable and likely to bring help as possible given the natural limitations of a wireless network. My interest in Enhanced 911 for wireless systems began over 3 years ago when I learn that some wireless carriers were blocking 911 calls if the call was made by a consumer not on their own network.

The industry argued that they couldn't pass through all 911 calls regardless of the call's origin because consumers would be able to call 911 for free, thereby overloading the system with prank phone calls.

It sounds implausible now, and it sounded implausible to me tl ı. When the FCC ruled last year that all 911 calls must be p sed through to public safety authorities, I think it was a victory f consumers. Legislation before the subcommittee today seeks to

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continue this effort on behalf of consumers, and I certainly applaud the chairman for his leadership on this.

Before I close, I do want to make reference to a proposal pending before the FCC which seeks to further build consumer confidence in the wireless networks. The proposal, known as the strongest compatible signal, which the chairman mentioned in his opening statement, is not directly relevant to this hearing and the bill before us, but I noticed that it was raised and opposed by a few of the witnesses in their prepared remarks.

With the threat of calls being blocked now removed, the next question is what to do about calls that cannot get through because of gaps in the wireless network.

There have been several cases where accidents have occurred and cellular 911 calls did not connect, often with very, very tragic results.

The proposal before the FCC is to equip handsets with the capability to scan for the strongest signal when 911 is dialed and connect to that signal. The obvious appeal is that the call is more likely to get through since the two competing cellular systems in a region are overlaid, filling in gaps in each individual system.

There a number of questions and concerns that have been raised, I think some with legitimacy, with this proposal, and the testimony before us I am sure will have details relative to that. The FCC is currently reviewing it, and I am comforted in allowing that review to proceed. With regard to the concerns being raised, I am not yet convinced that the "can't do" attitude of today won't be turned into another victory for consumers tomorrow.

So in closing, Mr. Chairman, I thank you for your leadership on this. I look forward to the discussion and the debate that will ensue and to working with my colleagues both here on this committee, the full committee, the full Congress, the wireless industry, the public safety people and the health groups and consumers groups to ensure that when 911 is dialed, there is as close to a guarantee of help as is humanly and technologically possible.

Thank you.

Mr. TAUZIN. I thank the gentlelady for her statement, and the Chair is pleased to recognize the vice chair of the subcommittee, the gentleman from Ohio, Mr. Oxley, for an opening statement.

Mr. OXLEY. Thank you, Mr. Chairman, and welcome to all our witnesses, and particularly Mr. Aylward, who has found his way back home again.

It is a fact that many cell phone users, particularly first time buyers, acquire wireless service for reasons of personal security. Gaps in these services, while shrinking, do raise public safety concerns, and it is appropriate that we attempt to address these concerns and encourage the development of new security features.

The provisions of the bill establishing 911 as the universal emergency number for wireless calls are logical and frankly, overdue. Revisions encouraging comprehensive emergency coverage are also most welcome.

I do have some questions regarding t [illegible] of [illegible] wireless communications and public safety [illegible] in [illegible] of the fund and the source of the funding [illegible] t [illegible] in [illegible]

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Federal budget. But as a mechanism for supporting more universal and comprehensive coverage it certainly holds great promise.

Thank you again, Mr. Chairman, and I yield back the balance of my time.

Mr. TAUZIN. I thank the gentleman, and the Chair is pleased to recognize the gentleman from Ohio, Mr. Sawyer.

Mr. SAWYER. Thank you, Mr. Chairman. I join my colleagues in thanking you for this hearing today as well as the one last month. It is a pleasure to join you as an original cosponsor of the legislation. I think it addresses important topics, ones that I hope to hear more about today.

I will forego the opportunity to read my entire statement if you will assure me that it will be made a part of the record.

Mr. TAUZIN. Without objection, it will be so ordered.

[The prepared statement of Hon. Thomas C. Sawyer follows:]

PREPARED STATEMENT OF HON. THOMAS C. SAWYER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

I want to thank you Mr. Chairman for holding this hearing today. I also want to commend you for introducing legislation addressing many of the concerns we heard from our last hearing on this subject.

Last month, this Subcommittee held a similar hearing on the need for a more uniform enhanced wireless 911 emergency system—one that would provide efficient end-to-end service. Many of our witnesses testified that there are numerous "dead-zones" throughout the country which prohibit some cellular phone calls from being connected. Some studies have shown that many Americans buy cellular phones for safety purposes. However, if they are unable to make cellular phone calls in emergency situations because of the "dead zones" then the phone is of no use to them for that specific purpose.

We also heard about scenarios where the cellular calls were completed, but the inability to pinpoint specific locations within a wide radius of the cellular tower delayed response teams. Several witnesses blamed this on the lack of adequate tower sitings. In some instances accident victims received injuries which were made much more serious by the delay.

The Wireless Communications and Public Safety Act of 1998 seeks to promote greater public safety. Currently, the number used to place an emergency wireless call varies from state to state. There are few instances in which two states that border one another use the same number. However, this legislation would eliminate the confusion as to what number to dial by designating 911 as the universal emergency number throughout the United States, for both wireless and wireline services.

H.R. 3844 would also provide incentive grants to states to help defray the costs of upgrading their current systems if they agree to adopt the new system and provide enhanced 911 wireless service. Furthermore, the cellular companies are provided the same liability protections that are given to the current wireline companies. These same protections will help encourage the cellular companies to expand their networks to better accommodate emergency 911 calls. Another critical aspect of saving lives and providing the best possible emergency safety structure is ensuring that public safety response teams have the resources available to them to respond effectively and appropriately to emergency situations. This Act would give states the flexibility they need to use a portion of their grant resources for such activities.

Mr. Chairman, I agreed to cosponsor this legislation because I believe it helps to enhance public safety. I look forward to working with you to pass this bill through this Committee and on the House floor.

Mr. SAWYER. I will yield back the balance of my time.

Mr. TAUZIN. The Chair is pleased to recognize Mr. Shimkus for an opening statement.

Mr. SHIMKUS. Thank you, Mr. Chairman. Also thanks for holding this h[illegible] During our last hearing regarding this issue we all l[illegible] the importance of developing an end-to-end commu-[illegible]rk to enhance public safety. When considering that

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most people purchase wireless phones for emergency use, it is imperative that Congress lend its support in developing a system. Being from a rural district, I have heard many times from family and friends the horror stories of coming upon an accident and trying to help. Many times even if someone has a cellular phone they may not know the correct number to use to reach emergency help. By designating 911 as the emergency number for both wireless and land lines we can build upon what the public already knows about calling 911. As the father of two young sons, 3 and 5, David and Joshua, they know 911. It is on the police cars. And we have all heard the stories about children saving lives by dialing 911, not being able to communicate but being able to know the simple numbers of 911.

I am also pleased that the chairman is going to address the issue of tower sitings on Federal property in this legislation. NIMBY, not in my backyard, could cause severe disruption to our plans and if we are going to promote this end-to-end network we need to work with the telecom companies to help place the towers.

Additionally, it is important that we relieve localities of trying to site towers to receive coverage while not reducing property values or upsetting its citizens.

Mr. Chairman, I thank you again for calling this hearing and I look forward to today's testimony.

Mr. TAUZIN. I thank the gentleman for the statement and the Chair is pleased to recognize Mr. Green from Texas for an opening statement.

Mr. GREEN. I appreciate the opportunity also to present an opening statement and I will read only part of it, like my colleague from Ohio, if the full amount will be in the record. First, I am proud to be a cosponsor of the bill, but I would also like to thank Mr. John Melcher from the Greater Harris County 911 emergency network for being here today.

When I was a State representative, I was the chief sponsor of a bill that created Houston-Harris County's 911 network. Harris County is well on its way to establishing a seamless wireless emergency system, a system that uses our county's telecommunications infrastructure as a mechanism to respond quickly to an accident scene in order to save lives. We need to recognize the benefits of such a system, and I hope today we can continue to discuss the importance of this legislation.

In our last hearing, Representative Danner of Missouri testified to the need of a universal emergency number, and how that number may have aided emergency workers in a critical auto crash near her district last Thanksgiving. H.R. 3844 helps us to establish a seamless end-to-end network of wireless coverage around our country for emergency calls, which hopefully could avert other possible accidents and the series of unfortunate differences between jurisdictions over emergency numbers. Today we have the opportunity to increase safety and access to emergency services in our country.

There are over 5 million cellular subscribers in our country and the success of the wireless marketplace and the vast number of subscribers is a good indicator of the usefulness of cellular phones.

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We need to utilize the large number of these devices and help increase safety for everyone.

Again, Mr. Chairman, I am glad that you called this hearing today and again I am proud to be a sponsor of the bill.

[The prepared statement of Hon. Gene Green follows:]

PREPARED STATEMENT OF HON. GENE GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman thank you for holding this hearing on H.R. 3844, the Wireless Communications and Public Safety Act of 1998. I am a proud cosponsor of this bill. I would also like to take this opportunity to thank Mr. John Melcher of the Greater Harris County 911 Emergency Network for being here today.

When I was in the State legislator I was the chief sponsor of a bill that created Harris County's 911 network. Harris County is well on its way to establishing a seamless wireless emergency system. A system that uses our country's telecommunications infrastructure as a mechanism to respond quickly to an accident scene in order to save lives. We need to recognize the benefits of such a system, and I hope today we can continue to discuss the importance of this legislation.

In our last hearing Rep. Danner of Missouri testified to the need of a universal emergency number, and how that number may have aided emergency workers to address a critical crash in her district last Thanksgiving.

H.R. 3844 helps us to establish a seamless end to end network of wireless coverage around our country for emergency calls, which hopefully could advert other possible accidents and the series of unfortunate differences between jurisdictions over emergency numbers.

Today we have the opportunity to increase safety and access to emergency services in our country. There are over 55 million cellular subscribers in our country. And the success of the wireless marketplace and the vast number of subscribers is a good indicator of the usefulness of cellular phones. We need to utilize the large number of these devices and help increase safety for everyone.

Again, Mr. Chairman thank you for helding this hearing. I look forward to hearing from the panel and learning more about how we can increase safety in our country.

Mr. TAUZIN. I thank you for the statement.

[Additional statement submitted for the record follows:]

PREPARED STATEMENT OF HON. TOM BLILEY, CHAIRMAN, COMMITTEE ON COMMERCE

Thank you Mr. Chairman for holding this hearing today on your bill on wireless enhanced 9-1-1. I commend your action in introducing this bill, which promises enhanced safety and rescue for so many Americans.

There are currently 55 million wireless subscribers in the United States and demand for wireless services continues to grow. One reason for the significant growth is that more and more subscribers are purchasing wireless telephones for public safety reasons. Whether we are traveling with our children or grandchildren, or traveling on unfamiliar roads, many Americans have found comfort in knowing that in the case of an emergency they could make a telephone call to reach a close relative or police. As a result, we know that more than 80,000 Americans make calls from wireless handsets every day for emergency reasons.

In order for a successful emergency call to be made, however, wireless communications facilities and services must be available in all parts of the country. Public Safety Answering Points—or P-SAPs—must be upgraded by State and local governments so that calls can be routed to the relevant police, fire, and health emergency response providers. An effective end-to-end communications system is absolutely necessary to enhance public safety.

At this hearing, I hope to learn how the bill can facilitate the deployment of a seamless wireless communications network by siting new antennas on federal lands, funding the update of the thousands of P-SAPs throughout the country, and funding R&D in automatic crash notification technology trauma centers. I hope that we can hear whether the bill effectively removes barriers existing today to effective wireless emergency services, so that emergency care professionals can be more successful in their jobs—protecting property, reducing crimes, and saving lives.

Thank you Mr. Chairman.

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Mr. TAUZIN. We call the panel forward. We are pleased now to welcome Dr. Jeffrey Michael, the Chief of the Emergency Medical Services Division of the National Highway Traffic Safety Administration; Mr. David Bibb, the Deputy Associate Administrator, Office of Governmentwide Real Property Policy of GSA; Mr. Michael Amarosa, Vice President, Public Affairs of TruePosition, Inc.; Mr. John Melcher, Director, MIS Greater Harris County 911; and Mr. David Aylward, Executive Director, ComCARE Alliance.

Gentlemen, we deeply appreciate your time and attention to this issue and we invite your testimony.

Let me go through the routine. Your written statements are part of our record and you need not read them today. We deeply appreciate if you wouldn't, if you would simply use your 5 minutes to summarize the key points of your testimony so we can have a dialog with you as rapidly as we can.

Dr. Michael, we are pleased to welcome you and if you would summarize your testimony today.

If you would use the mikes when you speak and kind of watch that light, it will give you an idea when your 5 minutes are up.

STATEMENT OF JEFFREY MICHAEL, CHIEF, EMERGENCY MEDICAL SERVICES DIVISION, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; DAVID L. BIBB, DEPUTY ASSOCIATE ADMINISTRATOR, OFFICE OF GOVERNMENTWIDE REAL PROPERTY POLICY, GENERAL SERVICES ADMINISTRATION; MICHAEL AMAROSA, VICE PRESIDENT, PUBLIC AFFAIRS, TRUEPOSITION, INC.; JOHN R. MELCHER, DIRECTOR, MIS GREATER HARRIS COUNTY 911; AND DAVID K. AYLWARD, EXECUTIVE DIRECTOR, COMCARE ALLIANCE

Mr. MICHAEL. Thank you very much, Mr. Chairman, and members of the subcommittee. I am Dr. Jeffrey Michael. I am Chief of the Emergency Medical Services Division at the National Highway Traffic Safety Administration.

I want to thank you for your invitation to appear before you to discuss H.R. 3844, the Wireless Communications and Public Safety Act of 1998.

I have submitted written testimony and with your permission, I will give this brief oral statement.

I would first like to commend the committee for developing and introducing this bill. The concepts promoted by the legislation are critical for ensuring the future effectiveness of this Nation's emergency medical system. America's emergency medical care is only as good as our ability to reach people in their time of need.

EMS professionals talk about the chain of survival, the sequence of events that must happen to save the life of a victim of severe injury or illness. The first 2 links in that chain are discovery of the victim and the notification of emergency responders.

Nothing happens until EMS is notified. The amount of time that passes before the call for help can be made can mean the difference between life and death. With motor vehicle crashes the problem is most critical in rural areas. Over half of all fatal crashes occur in rural areas and most of these are single vehicle crashes. Plus, the time between crash and notification of emergency responders is twice as long in these rural areas as on urban roadways, 7 minutes

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versus 3 minutes in urban areas. We desperately need to address this problem and the way to do it is through improved emergency notification. EMS leaders from across the country agree that emergency communication is a top priority.

Last month during EMS week NHTSA held a national conference for EMS leaders to discuss their new EMS Agenda for the Future Implementation Guide. This is a consensus developed action plan for building the country's 21st Century EMS system. At the conference we focused on the 10 most critical needs for the Nation's EMS system. Two of them involved emergency communications. Universal 911 and implementation of automatic location for both wireline and wireless 911. The bill before your committee would provide resources for meeting these needs.

The Wireless Communications and Public Safety Act of 1998 also looks to the future of communications technology and provides support for the development of advanced systems such as automatic collision notification, or ACN. With ACN we can eliminate the deadly delays in those first links in the chain of survival. The system includes a crash sensor and transmitter located in the vehicle. When the crash occurs, the sensor measures the direction, and the severity of the crash and determines the car's precise position using global position satellites. The car's wireless phone then automatically calls the 911 center.

The emergency dispatcher knows that a crash occurred, the crash severity and its location, the basic information needed to send the best response. NHTSA is testing ACN in 500 cars in Erie County, New York. Last month I visited the site with our Administrator, Dr. Ricardo Martinez, to check on the status of the tests. We have experienced 8 crashes with cars equipped with our ACN system.

One of the concerns was that the system be capable of discriminating between a fender bender and a serious crash. We don't want to overburden the response system. The system is working flawlessly.

Crash number 6 was a single vehicle rural crash that happened in the middle of the night. The driver tells us that within seconds following the impact the dispatcher was talking to him over the hands-free wireless phone. By the time the driver crawled out of his upside-down car, the police were at the scene.

The seventh crash happened the day that we were at the test site. A multi-vehicle crash occurred on the wet streets of downtown Buffalo. Through the voice connection with the dispatcher, the driver was able to explain that there were several injured family members in the car. The dispatcher immediately sent two ambulances to the scene, saving valuable time over the conventional protocol of first sending a single ambulance and only after that unit has assessed the scene, sending the second.

We believe the end-to-end system described in your bill, including universal 911, integration of enhanced wireless 911 and introduction of advanced wireless communications technologies, will be a major step forward for EMS systems and for the safety of the Nation.

Again, I want to thank the committee for your vision in creating a support mechanism for the future of our EMS system. NHTSA fully concurs with the concepts promoted in the legislation. As indi-

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cated in our written testimony, the agency believes that there may be a number of administrative issues with the bill in its current form. We look forward to working with the committee to resolve these issues.

Thank you for the opportunity to speak.

[The prepared statement of Jeffrey Michael follows:]

PREPARED STATEMENT OF JEFFREY MICHAEL, CHIEF, EMERGENCY MEDICAL SERVICES DIVISION, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Mr. Chairman and Members of the Subcommittee. I am Dr. Jeffrey Michael, the Chief of the Emergency Medical Services Division of the National Highway Traffic Safety Administration (NHTSA). I want to thank you for your invitation to appear before you to discuss H.R. 3844, the "Wireless Communications and Public Safety Act of 1998," a bill that reflects the constructive discussion that took place at the Subcommittee's hearing on March 24.

As an agency that has had an instrumental role in the development of the national emergency medical services (EMS) system, NHTSA knows that delays in notifying EMS personnel of a motor vehicle crash can have serious consequences for crash victims. We welcome the focus that H.R. 3844 brings to bear on this problem.

Three weeks ago, we held a national conference to introduce our new *EMS Agenda for the Future Implementation Guide*. It is the EMS community's road map for building the 21st Century's EMS system. The *Implementation Guide* identifies the top 10 priorities for ensuring the quality of future emergency medical care. H.R. 3844 addresses two of those needs—universal 911 emergency access and automatic location for all wireless 911 calls.

The communications problem is most critical in rural areas of the country. Over half of fatal motor vehicle crashes are single vehicle crashes, and the majority of those occur on our rural roads. The average notification time for these rural crashes is twice what it is in urban areas. In some cases, rural crashes have gone unreported for hours. Deaths have occurred that would not have occurred if help had arrived sooner. The universal availability of 911 as an emergency access number, together with the improvements to wireless telephone technology and advanced notification technology advocated by H.R. 3844, will significantly reduce the response time of emergency services during the critical first minutes after a crash.

The principal focus of H.R. 3844 is on the implementation of an end-to-end emergency communications system. The end-to-end emergency communications system would be continuous across the country, and would dramatically shorten the interval between a crash or other medical emergency and the arrival of medical care. The system would include emerging technologies such as automatic collision notification (ACN). A vehicle equipped with ACN automatically notifies dispatchers that a crash has occurred, saving precious minutes in the EMS response time. When fully developed, ACN technology will inform dispatchers and EMS personnel about the severity of a crash and, thereby, enable them to send the most appropriate medical help. In concrete terms, this means that if you have a crash in Topeka, Kansas, but your wireless phone is registered in Buffalo, New York, the ACN call will be instantly sent to the Topeka 911 center, and the operator in the Topeka center will know where you are and be able to send the appropriate level of help directly to you.

The end-to-end system would also give wireless phones the capability for automatic caller location, an essential component of the 911 call that almost every home and business phone already has. This enhanced wireless 911 technology extends beyond crashes. By bringing the corner phone booth to the emergency scene, we can help people experiencing heart attacks, strokes, violent crimes or other life-threatening emergencies. This may in fact be the greater good.

H.R. 3844 is a far-reaching bill affecting several agencies. Moreover, a Federal Law Enforcement Wireless Users Group, co-chaired by the Departments of Justice and Treasury, is working on a project called the Public Safety Wireless Network which is designed to address some of the same issues. While I will offer some preliminary observations on certain provisions of H.R. 3844, we must therefore defer comment on the bill's overall merits until we have had an opportunity to consult fully with all affected agencies.

Emergency Telephone Number. NHTSA strongly supports Section 3 of the bill, which would designate 911 as the universal emergency telephone number within the United States and directs Federal agencies that operate communications systems to incorporate 911 into their systems. Following the introduction of 911 in 1968, the numbers nine, one and one have become synonymous with the word "help." Unfortunately, 911 is still not universal, particularly on wireless phones. This is especially

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relevant as we are a mobile society. Over 54 million Americans have wireless phones. According to industry surveys, the number one reason we purchase these phones is for safety. However, areas still exist in the United States where a 911 call can not be placed due to lack of wireless coverage. Our agency's EMS constituents see this as a major problem. They recognize that all Americans need emergency access, regardless of where they are and regardless of what kind of phone they use.

Assistance to States. The bill recognizes that adequate funding is essential for implementing the end-to-end communications system. The financing provisions in Sections 4 and 5 of the bill include novel features, such as the "Wireless Communications and Public Safety Fund" (WICAPS), that are designed to provide funds to state programs. We have not had experience with the creation of a fund such as WICAPS, and would defer to the Treasury Department on issues of feasibility and compatibility with other Federal funding mechanisms. Our one substantive comment on this section is that we do not believe that NHTSA would be the appropriate agency to manage the investment of the WICAPS fund. While NHTSA has expertise in grant management, fund management is not within our area of expertise.

Also, our experience with highway safety grant programs suggests that some features of the WICAPS grant delivery mechanism, such as the 90-day interval allowed for processing grant applications, might need to be modified. NHTSA has an excellent record in awarding grants to states in an effective and timely manner without such a time limit. It would also be advisable to provide that state plans for WICAPS be coordinated with the state's lead agency for EMS. This would be consistent with the bill's emphasis on a seamless system of EMS response. We also have some concern that the formula for state matching funds may be problematic for meeting the bill's intent of aiding states in the development of their emergency access infrastructure. Based on our experience, we suggest that this section could be simplified. We would be glad to offer technical assistance and meet with Committee staff on these and other administrative features of the bill.

Research and Development on Crash Information Systems. Section 6 of the bill would direct the NHTSA Administrator to establish a research and development program, funded out of the WICAPS fund, for: (1) a comprehensive automatic crash notification system that, when a motor vehicle crash occurs, would automatically transmit information about the crash to emergency personnel by a wireless telephone in the vehicle; and (2) a uniform wireless telephone interface in motor vehicles that permits transmission of crash data and voice-activated, hands-free use of all models of wireless telephones. The research program would include research conducted by trauma centers.

NHTSA currently conducts crash research with trauma centers and trauma and EMS systems nationwide. To ensure the real world effectiveness of this program, it is essential that the full range of stakeholders be utilized in conducting this research and development. For example, Mr. Chairman, one Louisiana EMS provider covers literally thousands of square miles of rural parishes, providing an excellent opportunity for a grant under this type of program. We would also coordinate our research efforts with other Federal agencies such as Federal law enforcement agencies and the Federal Emergency Management Agency, which participate in state emergency plans. In addition, our Crash Injury and Research Network currently provides NHTSA with a test bed for many of this section's goals.

The agency's ACN deployment program in Erie County, New York—the only complete ACN system—has experienced six crashes. In all cases, the system has worked effectively. This success is do to the inclusion of all of the stakeholders-law enforcement, public safety answering points, EMS, trauma centers, fire and rescue. Because we can follow a crash victim through the entire chain of survival, we are able to evaluate, improve and gain further insights into the program.

Use of Federal Property. Section 7 of the bill would establish new policies and procedures for the Federal Government to follow with respect to the use of its real property by providers of wireless services. The provisions in Section 7 fall within the jurisdiction of the General Services Administration, and we defer to that agency's views as to most of that section. We are concerned, however, that for some agencies, such as the Federal Aviation Administration (FAA), the risk of interference with vital air traffic control communications and security concerns to safety of life systems is significant. In fact, such concerns were considered to be a high enough magnitude that the FAA has already received a waiver from similar provisions of the Telecommunications Act of 1996. We request that the FAA be excluded from the requirements of this act.

Consultation. Section 8 of the bill would require the NHTSA Administrator and the Federal Communications Commission to establish a Wireless Emergency Serv- s Advisory Group. We support this section, in the belief that such a coordinating

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group would serve to maintain cooperation and common purpose in a system that involves so many separate organizations.

Mr. Chairman, I want to conclude my remarks by commending you and your committee for your help in bringing this vital public health issue to national attention. Working together, I am confident that we can bring about great improvements in the delivery of emergency medical services. I would be pleased to answer any questions you might have.

Mr. TAUZIN. Would you hold up the device so people can see it and perhaps take a picture of it. This is the device that is in the test, in the 500 vehicles in New York, right?

Mr. MICHAEL. That is correct. We have retrofitted this in 500 vehicles in the Buffalo area.

Mr. TAUZIN. And that is all of it?

Mr. MICHAEL. This works in tandem with a hands-free phone located in the vehicle.

Mr. TAUZIN. Thank you very much, sir.

Now we are pleased to welcome Mr. David Bibb, the Deputy Associate Administrator of the Office of Governmentwide Real Property Policy in the General Services Administration.

Mr. Bibb.

STATEMENT OF DAVID L. BIBB

Mr. BIBB. Thank you, Mr. Chairman and ranking member and members of the subcommittee. I am David Bibb. I am the Deputy Associate Administrator for Real Property in the General Services Administration for Governmentwide policy.

First, Mr. Chairman, my office sincerely appreciates that you have listened to our concerns, many of which I raised at the last hearing, and we are pleased to see that a number of those have been incorporated into the bill. We are confident that you will continue to take our concerns into account as the bill moves forward.

As I testified at the last hearing, GSA did take a leadership role in implementing the President's August 1995 memorandum for siting antennas on Federal property and the Telecommunications Act of 1996.

In my April 3, 1998 letter to you, I expressed that from GSA's experience from its own aggressive antenna outleasing program, we are still of the opinion that we are talking about millions of dollars being generated by Federal antenna outleasing rather than the billions that have been talked about. Most of the Federal Government's landholdings and therefore Federal outleases in these areas would result in revenues much lower than GSA earns in our urban locations.

I would like to state that Federal landholding agencies are generally working cooperatively with the wireless telecommunications industry. Notwithstanding Rock Creek Park, reports from the Federal agencies are that in the last 12 months 482 antenna siting requests have been made and only 11 have been rejected, 2.3 percent.

H.R. 3844 is certainly a far-reaching bill affecting several agencies. Moreover, there is a Federal law enforcement wireless users group, co-chaired by Justice and Treasury working on the public safety wireless network, which is designed to address some of these same issues. And while I am going to be offering some preliminary observations on some provisions of H.R. 3844 today, we must defer

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comment on the bill's overall merits until we have a chance to consult fully with all of the affected agencies.

Under current law, agencies such as GSA, the Department of Defense, and Interior's, Bureau of Land Management are authorized to retain the full proceeds from outleasing antenna sites. We interpret section 11(f) of H.R. 3844 to allow those agencies with that existing authority to continue to retain the antenna proceeds.

In addition, this section provides all agencies with the authority to recover their expenses in processing requests for and providing access to antenna sites. We believe this ability to continue to retain income and recoup expenses will serve as an incentive for agencies.

Those that have the authority to retain proceeds will continue to have a strong incentive to pursue antenna leases. Other agencies will at least have some incentive to more aggressively site antennas on land and their buildings since they can recoup their administrative costs. As you recall, we talked about that at the last hearing and I much appreciate those provisions being in the bill.

We do have several concerns regarding section 715 and we must oppose the provision in its current form. Section 715 may be interpreted to require an agency to execute a lease or deny a request after a hearing within 60 days. I am not sure if the intent is to actually execute the lease or not, but it certainly can be read that way. We are concerned that a 60-day timeframe may not provide adequate time for public review, consideration of other land uses and actual execution of another lease. We do think that the government should provide a yes or a no in 60 days or at least a preliminary answer if more information is required or an issue needs more time for solving. That is the arrangement that the government and the private sector groups agreed to after our series of forums following passage of the Telecommunications Act.

Second, 715(b) would in our opinion inappropriately require the defendant, in this case the Federal Government, in a civil action brought under that provision to bear the burden of proof. The legislation offers no justification for such an unusual requirement.

Third, 715(e) we believe unacceptably narrows applicable environmental law only to the FCC NEPA regulations and totally omits compliance with the Endangered Species Act, historical preservation law and other environmental requirements.

Fourth, we would like to see language added to section 715(a) emphasizing that the policy is to make real property of the U.S. Government available to the maximum extent practicable, consistent with applicable rules governing the management of lands managed by the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, the U.S. Forest Service and other Federal agencies responsible for siting of facilities.

Last, we do have some concern that the bill would exempt the Wireless Emergency Services Advisory Group from compliance with the Federal Advisory Committee Act. Those concerns aside, I believe we can work together as the bill develops, as I said.

Again, I want to express our appreciation to you, Mr. Chairman, and your cosponsors. You heard our concerns raised at the last hearing. We hope to continue that dialog to continue to refine the bill, and we look forward to working with you and the subcommit-

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tee to assist in the rapid and efficient development of our Nation's wireless telecommunications system.

[The prepared statement of David L. Bibb follows:]

PREPARED STATEMENT OF DAVID L. BIBB, DEPUTY ASSOCIATE ADMINISTRATOR, OFFICE OF REAL PROPERTY, OFFICE OF GOVERNMENTWIDE POLICY, GSA

Good afternoon, Mr. Chairman, Mr. Ranking Member, and members of the subcommittee. Thank you for the opportunity to reappear before you today to discuss antenna siting matters and your bill, H.R. 3844. I am the Deputy Associate administrator for Real Property in the General Services Administration's Office of Governmentwide Policy. My office is generally concerned with real property issues of governmentwide interest and application. GSA appreciates that you have listened to our concerns and are confident that you will continue to take them into account in developing this legislation.

As I testified at your prior hearing in March, since 1995 the Federal Government has played a role in the construction of the nation's wireless communications infrastructure. GSA took a leadership role in implementing the President's August 1995 Memorandum on Facilitating Access to Federal Property for the Siting of Mobile Services Antennas and assisting agencies in interpreting and complying with section 704(c) of the Telecommunications Act of 1996 (1996 act).

In carrying out this leadership role, GSA sponsored three antenna forums in the spring of 1997. These forums brought together Federal landholding agencies, Federal Communications Commission staff and representatives of the wireless telecommunications industry. This dialogue led to the establishment of a Joint Working Group of Federal and wireless industry representatives to discuss issues critical to both the Federal Government and the wireless industry. Also, GSA has issued three antenna siting bulletins in the Federal Register which address the critical issues and provide general guidance on the assessment of fees associated with establishing antenna sites on Federal property. As a result of these forums, the Joint Working Group's discussions, and the three antenna siting bulletins, we believe there is now a better understanding of the processes required to prepare, submit, analyze and approve antenna siting requests.

Mr. Chairman, in my April 3, 1998 letter to you, I expressed that GSA's experience from its very successful antenna outleasing program indicates that antenna revenues could yield a modest return in the millions of dollars nationwide. This is nowhere near the billion plus dollars that the wireless industry has estimated. Most of the Federal government's land holdings are in rural areas and therefore, antenna outleases in these areas would result in revenues much lower than GSA earns in our urban locations.

I want to reiterate that Federal landholding agencies are generally working cooperatively with the wireless telecommunications industry. We have received reports from the Federal landholding agencies that indicate in the last twelve months, 482 antenna siting requests were received and only 11 or 2.3 percent have been denied. This activity shows an increased sensitivity to the needs and concerns of the wireless industry.

H.R. 3844 is a far-reaching bill affecting several agencies. Moreover, a Federal Law Enforcement Wireless Users Group, co-chaired by Justice and Treasury, is working on the Public Safety Wireless Network (PSWN) which is designed to address some of the same issues. While GSA will offer some preliminary observations on certain provisions of H.R. 3844, we must defer comment on the bill's overall merits until we have a chance to consult fully with all affected agencies.

Under current law, agencies such as GSA, the Department of the Interior's Bureau of Land Management, the Department of Defense (DOD), the Department of Energy, the Bonneville Power Administration, and the Tennessee Valley Authority are authorized to retain the full proceeds from outleasing antenna sites. GSA interprets section 11(f) of H.R. 3844 to allow those agencies with existing authority to retain antenna proceeds to continue to do so. In addition, this section provides all agencies with the authority to recover their expenses in processing requests for and providing access to antenna sites. GSA believes this ability to continue to retain income and recoup expenses will serve as an incentive for agencies. Those that have authority to retain proceeds will continue to have an incentive to pursue antenna leases. Other agencies will have an incentive to more aggressively site antennas on their land and buildings since they can recoup their administrative costs.

GSA has several concerns regarding proposed section 715, and strongly opposes the provision in its current form.

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First, section 715(b) may be interpreted to require an agency to execute a lease or deny a request, after a hearing, within 60 days. We are concerned that the 60 day time frame identified in section 715(b) does not provide adequate time for public review, consideration of other land uses and execution of a lease.

Second, section 715(d) would inappropriately require the defendant (i.e., the Federal government) in a civil action brought under that section to bear the burden of proof. The legislation offers no justification for such an unusual requirement.

Third, Section 715(e) unacceptably narrows applicable environmental law only to the FCC's NEPA regulations and totally omits compliance with the Endangered Species Act, historic preservation law and all other environmental requirements. The provision should specify that all permits must be consistent with existing rules and land use plans of the issuing agency, and must not violate any statute or rule with respect to public lands, the National Park System, National Wildlife Refuge System, and the National Forest System.

Fourth, language should be added to section 715(a) emphasizing that the policy is to "make real property of the United States Government available to the maximum extent practicable, consistent with applicable rules governing the management of lands, managed by the Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, the United States Forest Service, and other Federal Agencies responsible for the siting of facilities..."

Lastly, GSA is also concerned that the bill would exempt the Wireless Emergency Services Advisory Group from compliance with the Federal Advisory Committee Act. Consistent with Executive Order 12838 and the National Performance Review, the Administration is working to reduce the number of advisory committees, and toward that end, the President has requested Congress to show restraint in the creation of new statutory committees.

Furthermore, in a June 28, 1994, memorandum to agency heads regarding the further implementation of EO 12838, the Vice President noted, "the Administration will not support legislative language that establishes new advisory committees or seeks to exempt groups from the requirements of the Federal Advisory Committee Act."

I want to again express our appreciation to you Mr. Chairman, that you heard the concerns GSA raised at the last hearing. We hope that we can continue that dialogue to further refine this bill. We at GSA look forward to working with you and the subcommittee to assist in the rapid and efficient development of our nation's wireless telecommunications system.

Again, Mr. Chairman, I appreciate the opportunity to appear before you today and I would be pleased to answer any questions the subcommittee may have.

Mr. TAUZIN. Thank you, Mr. Bibb. We will hear now from Mr. Michael Amarosa, Vice President, Public Affairs, TruePosition, Inc.

STATEMENT OF MICHAEL AMAROSA

Mr. AMAROSA. Good afternoon. I am Mike Amarosa, Vice President of TruePosition, Inc., a leading provider of Enhanced 911 location technology. I am here to support H.R. 3844, the Wireless Communications and Public Safety Act of 1998.

Before joining TruePosition last November, I spent 24 years in public safety. Nine of those years were spent ensuring that people of New York City, the largest municipal emergency 911 system, received quick response to a growing number of emergency calls. It was my job to coordinate with all police and fire agencies responsible for assisting victims of crime, sickness and injury. People in need were my responsibility. Today, I would like to highlight provisions of the legislation that address liability and privacy which are of critical importance to wireless E911 implementation.

Also, Mr. Chairman, I would like to address a related issue which results in unforeseen obstacles to E911 implementation, the so-called strongest signal proposal.

We should do everything in our power to reduce overall response times to emergency callers and get them the appropriate help. This will save lives. The sharp increase in wireless phone use is ex-

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pected to reach 100 million subscribers in just 2 short years. This is causing public safety answering centers to become overwhelmed with the growing number of daily calls to 911. Wireless phones have become increasingly important safety tools for public safety officials and everyday citizens.

Emergency dispatchers have expressed concerns about making informed decisions about wireless emergency calls. Unlike wireline calls to 911, they have no way of knowing the location of the wireless callers.

Your legislation wisely encourages the development of the intelligent wireless networks that connect all public safety responders in an integrated process. TruePosition has been meeting with wireless carriers, State and local government officials, public safety representatives on the benefits of location technology. It is clear that those interested in early implementation are looking for a great deal of certainty.

Callers want to make certain that they are not the target of lawsuits because they have in good faith invested money to locate wireless callers more quickly. Public safety officials want to be certain that the resources are available to utilize this vital location data and to upgrade their facilities. State and local governments and taxpayers want to be certain that enhancing 911 emergency networks will not overburden their budgets.

Mr. Chairman, I commend you for introducing H.R. 3844. Your efforts will help ensure that your constituents can be located when they dial 911 from their wireless phone.

When I came to New York's 911 system, we had adequate liability protection for wireline calls so that we could act in the best interest of emergency callers. Unfortunately, approximately half of the States do not have sufficient liability protection for wireless carriers. H.R. 3844 will bring an important level of parity with wireline liability laws that have worked so well to date.

Second, I applaud Congressman Markey's commitment to making sure that sensitive location data does not fall into the wrong hands and is not abused. TruePosition is equally committed to protecting location data.

Building state-of-the-art emergency networks is not easy. There are a number of important ingredients that go into a successful end-to-end system: A sensible, but aggressive, antenna siting policy; encouraging fast E911 implementation; addressing issues such as dead zones.

Finally, I would like to address the strongest signal issue. Although strongest signal sounds good, on further examination it results in unintended consequences. Unfortunately, this unsound proposal will cause a reduction in overall emergency caller capacity, a misdirection of emergency calls, and it will inhibit implementation by wireless carriers of location systems before the 2001 deadline.

Strongest signal means 911 calls could actually be blocked. In high congestion areas when multiple callers are reporting the same incident, you could shut out other life and death emergency calls which need to connect, or these calls could be completely misrouted. Given the fact that wireless carriers are deploying smaller cell sites, by eliminating the weaker carrier, you would re-

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duce the accuracy of phase 1 of the FCC's order by sending a call off to another jurisdiction just because it might have a taller and more powerful tower. That just doesn't make sense.

Strongest signal would remove powerful market incentives and create an unlevel playing field for carriers who choose to install location capabilities for their customers before 2001. A high percentage of 911 calls would be diverted to another carrier's network when the subscriber's carrier may in fact have a perfectly usable signal. All of this could lead to more lawsuits and take away that needed certainty that we talked about that everyone is seeking. We must resist any counterproductive shortcut to the work we have before us. I strongly urge you to oppose any strongest signal amendment to this legislation.

I look forward to the successful passage of H.R. 3844 in its present form.

Thank you again for giving me this opportunity to testify before your subcommittee. I would be delighted to answer any questions you may have.

[The prepared statement of Michael Amarosa follows:]

PREPARED STATEMENT OF MICHAEL AMAROSA, VICE PRESIDENT OF PUBLIC AFFAIRS, TRUEPOSITION, INC.

Good afternoon. Chairman Tauzin, Congressman Markey and members of the Subcommittee. I am Michael Amarosa, Vice President of TruePosition, Inc., a leading provider of Enhanced 9-1-1 (E9-1-1) location technology, based in Vienna, Virginia. Thank you for providing me with this opportunity to testify in support of the Wireless Communications and Public Safety Act of 1998.

Throughout my career I have been an advocate for providing Public Safety officials with the tools they need to successfully respond to emergency situations. I also advocated utilizing the latest technologies and information systems available to save lives. Before joining TruePosition last fall, I spent 9 of my 24 years in public safety as part of this country's largest municipal emergency 9-1-1 system. It was my job to ensure that our answering centers could quickly respond to the growing number of emergency calls and could closely coordinate with the agencies responsible for assisting victims in need.

My experiences as Deputy Commissioner for Technological Development for the New York City Police Department and my working relationships with a broad range of other safety leaders taught me some important lessons. I'd like to share a few of these lessons which are relevant to the debate over how to improve public safety communications.

First, by doing everything in our power to reduce overall response times to emergency callers and get them the appropriate help, we will save more lives. Second, we have a very mobile population and workforce, and wireless phones and applications have become increasingly important tools. They are important for Public Safety officials as well as everyday citizens. Wireless phones enable us to communicate with each other and identify emergency situations far beyond the reach of the nearest wireline phone.

And finally, with this sharp increase in wireless phone use and overall subscribership, which is expected to reach 100 million by the turn of the century, many Public Safety Answering Centers are becoming overwhelmed with the increasing number of daily calls to 9-1-1. Emergency dispatchers have expressed concerns to me about making informed decisions about wireless emergency calls. Unlike wireline calls to 9-1-1, they have no way of knowing the location of wireless callers.

As you know, the FCC's response to this growing burden of wireless callers who could not be located was to mandate that wireless carriers locate emergency callers under a two-tier implementation schedule. The first deadline for wireless location information began in April of 1998. The second deadline, requiring full location capabilities, is October 2001. While the FCC Order places a series of demands on the carrier community, it also implicitly and explicitly states that there are significant roles and responsibilities for Public Safety and public and private partners.

I am delighted that Congress is moving forward with legislation to ensure that our nation's emergency networks are adequately upgraded to handle these new life-

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saving technologies. This legislation wisely encourages the development of intelligent wireless end-to-end networks to connect all of the vital constituencies in an integrated process.

I am now with a company that provides Public Safety Answering Centers, wireless carriers, and citizens across the country with an essential component to meeting this enormous challenge. The TruePosition Wireless Location System is based on our patented version of Time Difference of Arrival (TDOA) location technology. Through a series of complex algorithms, the TruePosition technology is able to pinpoint an emergency wireless caller's location (in latitude and longitude) and immediately forward that information to the Public Safety Answering Point (PSAP) closest to the caller.

Our parent company used to own cellular systems, so this is a location system designed by a wireless carrier specifically for wireless carriers. Therefore, the TruePosition system can be deployed, integrated, and managed within an existing 9-1-1 network with relative ease. This was proven when TruePosition, along with Comcast Cellular Communications and private vendors participated in the first wide-area test of wireless location technology in the country.

The New Jersey Wireless Enhanced 9-1-1 System Trial was sponsored by the state Attorney General's office and administered by New Jersey's Office of Emergency Telecommunications Services (OETS). The test, which was an outstanding example of a public-private partnership, took place over a 100 day span last year covering a 350-square mile section of southern New Jersey. During the trial, over 3,500 real emergency calls from Comcast customers were rapidly processed and located with the aid of TruePosition technology. Emergency dispatchers were able to specifically pinpoint the callers' locations and immediately send an appropriate response team.

Our system replaced the often time consuming and difficult process normally required for a dispatcher to determine a lost or disoriented wireless caller unaware of his location or the exact location of an emergency situation. The results of the test proved that we are capable of meeting the specific location requirements of the FCC's Phase II Report and Order.

Since that time, we have been briefing wireless carriers, state and local government officials, and Public Safety representatives on the benefits of quickly installing a Phase II location system rather than waiting until 2001. In our discussions with the various parties, it is clear that those interested in early implementation are looking for a great deal of "certainty."

Carriers want to make sure they are not the target of frivolous lawsuits because they have taken an honorable step and have invested money to locate wireless callers more quickly. Public Safety officials want to be sure that the resources are available to utilize this vital location data and upgrade their facilities for this growing wireless trend. State and local governments and taxpayers want to be certain that enhancing 9-1-1 emergency networks will not overburden their budgets. And other important constituencies such as physicians, law enforcement representatives, and others want to be certain they are not excluded from the planning or implementation process.

Mr. Chairman, I commend you and your co-sponsors for introducing H.R. 3844. This legislation will speed up the implementation process and provide the reassurance needed for public and private partnerships to begin upgrading their networks.

Your efforts will help ensure that your constituents can be located when they dial 9-1-1 from their wireless phone. Specifically, your legislation helps to overcome a number of roadblocks holding up implementation of enhanced 9-1-1 and the use of cutting-edge wireless technologies.

When I ran New York's 9-1-1 system we went out of our way to follow procedures to the letter to avoid frivolous lawsuits. Thankfully, we had adequate liability protection for wireline calls so that we could act in the best interest of emergency callers. I have spoken with Public Safety officials and wireless carrier representatives who fear that installing location capabilities will expose them to liability claims just for doing their jobs. Approximately half of the United States does not have adequate liability protection for wireless carriers. H.R. 3844 would bring an important level of parity with wireline liability laws that have worked so well to date. I think once this legislation passes, you will witness more aggressive public safety advancements to meet constituent needs.

While it seems obvious, wireless phones or automatic notification systems cannot help anyone unless the 9-1-1 call or wireless data transmission goes through. This legislation, rather than imposing mandates, provides important, positive incentives for the federal government, localities, and emergency leaders to work together to move this process forward quickly.

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Once the emergency call goes through, location information and crash notification data that is forwarded by wireless carriers and mobile technologies will only be useful if PSAPs can actually utilize the data. Most Public Safety Answering Centers were designed before wireless networks were conceived or mobile phones were significantly in use. Many centers, including the one where I was employed, were originally designed to receive a seven-digit phone number (standard for wireline phones), while wireless numbers require 10 digits. The advent of wireless is also creating capacity problems for PSAPs in the sheer number of calls they receive for each incident. For example, an accident on a freeway may generate more than 100 9-1-1 calls all arriving at nearly the same time. In addition, once enhanced location data hits the Public Safety emergency network, appropriate routing equipment must be in place to send the call to the right point of contact. This legislation appropriately provides timely "use revenue" from wireless industry siting fees to defray the costs of these needed upgrades that are a result of the wireless revolution. Even the FCC's E9-1-1 Order states that a wireless carrier is not required to enhance their own network until a, "PSAP (is) capable of receiving and using the service."

Protecting location data is also of extreme importance. It is obvious that location technology is a very powerful tool and must be exercised responsibly. As is happening with many emerging technologies such as the Internet, there has been a significant focus on the privacy of the wireless technology user's location. I applaud Representative Markey's commitment to making sure that sensitive location data does not fall into the wrong hands or is not abused by Government or commercial entities. At TruePosition, we are equally committed to those principles. We have developed a strong internal policy and a subscriber-focused external policy.

So how are we going to pay for all of these emergency network and enhanced 9-1-1 upgrades? There are many solutions. And practically speaking, different funding mechanisms probably make sense for different areas. Some states and localities may choose to pay for upgrades with a surcharge on wireless subscribers or with proceeds from a general revenue fund. Some wireless carriers may choose to raise their prices slightly and install location before the deadline to differentiate themselves in a competitive marketplace. There is a public-private model that some states and localities are moving ahead with to cover the costs of these life-saving wireless 9-1-1 upgrades. In reality, it is clear that "cost recovery" can mean many things. But what if a carrier who serves several localities has cost recovery in place for part of its coverage area, but doesn't in another? H.R. 3844 will help provide more uniform coordination to address the funding issue. The key to this legislation is that it brings all of the relevant parties to the table to work through barriers—this legislation will bring together the wireless carriers and Public Safety officials and government leaders to work out funding issues so that cost recovery will not become a barrier to making important public safety improvements.

Building state-of-art emergency networks is not easy. There is no one silver bullet to these problems. If there were, we would not be here today. There are a number of important ingredients that go into a successful end-to-end system: a sensible but aggressive antennae siting policy, incentivizing fast E9-1-1 implementation, and addressing issues such as dead zones.

These are the important issues. As we address them we need to be careful not to get diverted or sidetracked by issues that could undermine the implementation of an end-to-end emergency communications system across the nation.

I would like to caution Members of the Subcommittee about an idea that on the surface may seem to have a lot of appeal. A group called the Ad Hoc Alliance is advocating that you require wireless handsets to access the strongest control channel or "strongest signal" when 9-1-1 is dialed. I believe that "strongest signal" is unsound public policy for a number of reasons: the reduction in overall emergency caller capacity, the misdirection of emergency calls to the wrong PSAP, and a market disincentive for wireless carriers who choose to implement location systems before the 2001 deadline.

Let me briefly highlight each problem area: By eliminating the carrier that has the weaker (although perfectly usable) communications signal in a given area and automatically transferring all calls to the stronger channel, you reduce the overall capacity to handle calls by approximately 50%. This means 9-1-1 calls could actually be blocked.

In high congestion areas, when multiple callers are reporting the same incident, or in areas where multiple incidents result in callers using the same cell site, the strongest signal proposal (which prevents the full utilization of both cellular carriers in an area) means you could shut out other life or death emergency calls which need to connect. Or these calls could get completely misrouted. Given the fact that wireless carriers are deploying smaller cell sites, by eliminating the "weaker" carrier, you would reduce the accuracy of Phase I of the FCC's Order (originating cell site

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and call back number) by sending a call off to another jurisdiction just because it might have a taller or more powerful tower. That doesn't make sense.

And finally, "strongest signal" would remove powerful market incentives and create an unlevel playing field for carriers who choose to make the investments in installing location capabilities for their customers before 2001. A high percentage of 9-1-1 calls would be diverted to another carrier's network (who might not have location) when the subscriber's carrier has a perfectly usable signal. All of this could lead to more frivolous lawsuits and take away the needed certainty that everyone is seeking.

We should resist this counterproductive short-cut to the work we have before us. I would strongly urge you not to support any "strongest signal" amendment to this legislation that would surely undercut many of the good things this legislation would accomplish.

I look forward to the successful passage of H.R. 3844 in its present form and would like to thank you again, Chairman Tauzin, for giving me this opportunity to testify before your Subcommittee. I would be delighted to answer any questions you may have.

Mr. TAUZIN. Thank you very much Mr. Amarosa.

Next we have Mr. John Melcher, Director, MIS Greater Harris County 911 system.

Mr. Melcher.

STATEMENT OF JOHN R. MELCHER

Mr. MELCHER. Good afternoon, Mr. Chairman and members of the committee. We are truly grateful for the opportunity to come and visit with you today and spend a little bit of time giving you our views on this wonderful bill that you have in front of you.

I am John Melcher. I run the information systems portion, the technology portion of the Greater Harris County 911 emergency network. Our network was established in 1983, thanks to the wonderful efforts of Congressman Green and some of his colleagues in the State legislature.

We serve approximately 3.5 million citizens, almost a million wireless subscribers in our jurisdiction, some 150 public safety agencies and over a thousand call takers in our jurisdiction.

We have been truly on the cutting edge, I believe, of public safety technology. We have developed and patented emergency information systems. We have served and continue to serve with the National Emergency Number Association, NENA, Associated Public Safety Communications Official Organizations, APSCOO, as the liaison to the wireless industry for public safety. We stay right in the middle of wireless issues, that is our job, and our agency supports any efforts in the national infrastructure going forward.

Our agency was very privileged to win the Smithsonian Innovator Award for using technology for government public safety.

All of that having been said, to give you my resume, I would rather let you know that I am from the trenches. My years in public safety are almost 20 years in span and many of those years were spent as a police dispatcher taking those 911 calls and dispatching those resources to the people in need. Also, I served for 4 years as a paramedic and as an instructor at the college to teach new paramedics as well. We have gone over everything from police helicopters to pulling people out of crashed vehicles. Our experience in this runs pretty deep, and that is why we feel very strongly about the privilege to address you today.

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Not since 1968 has Congress spent so much attention and led such a wonderful showcase to the validation and credibility of 911, and those efforts should be applauded.

This bill brings the best things about how we protect and serve our society and puts them together into one synergistic effort, and that must also be applauded. It is a fabulous effort.

Technology is not an issue. You have seen demonstrations and you have heard testimony from other witnesses that tells you that technology is available. Wireless telephony, wireless networks, data infrastructures, crash notification. The ability to send voice and data over networks is nothing new, but this bill takes all of those separate efforts and brings them together to make certain that we have a seamless, as we have heard before, "connect the dots" type of network.

We don't call it connect the dots in Texas, we call it circle the wagons. And we believe that the bill truly gives some effective language and some effective support and congressional spotlight to a very much needed, overshadowed area of public safety. It promotes team building, and team building is the solution. There is not a better solution to overcome hurdles than getting the best minds of the different disciplines together on the same team. When competitive issues are left at the door, then that team can overcome any hurdle and that is what we appreciate about this particular bill.

Public safety has a track record of success in dealing with the wireless industry. APSCOO, NENA and the National Association of State Administrators got together with CTIA over 4 years ago. The concept of getting calls through and all of the features that go with those concepts, bringing voice and data, making sure that those calls hit the PSAPs is not a new one. The joint effort was first addressed in Chicago in August 1994, and we have been working diligently with the wireless industry ever since. We now have a voice on the standards body, which is something that was totally unprecedented.

The effort has been very, very fruitful and that type of track record, that level of success, the FCC took the product of our consensus and actually made a rulemaking from it. That type of success cannot be discounted. We are proud of that success and want to see it continue forward, and we believe your vision and your efforts in this will make that even greater.

Issues of cost recovery and limitation of liability are so very critical. Many States have done a fine job that establishes mechanisms for those things in addition to providing certain other standards and establishing task forces and working groups to bring these fruits to bear. Texas has, I believe, led the Nation in offering model legislation, thanks to some of our wonderful lawmakers in the State. We provide for incentives. If you force somebody to the trough, then may or may not drink, but if you provide incentive, then you get much more synergy and we believe it is even better.

Once again, I think we should seize upon the opportunity to take all of these different collective efforts, the disparity that is out there now, [illegible]d bring them under one umbrella.

We [illegible] this money that you are going to set aside for upgrades to t[illegible] [illegible]tructure to make sure that we go digital instead of [illegible] and [illegible] request that you not be side-tracked by amend-

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ments. We believe certain things like strongest signal and others may not be the best way to go. We would like to leave that in the hands of the experts to make sure that we explore all of the possibilities, not just some. That may place more lives in harm's way than it does to save them.

And last, we appreciate the congressional vigil. By placing the public hand on the shoulder of public safety, you stand there with us strong, watching over those in need and those who can offer the assistance. We thank you for your time.

[The prepared statement of John R. Melcher follows:]

PREPARED STATEMENT OF JOHN R. MELCHER, DIRECTOR, INFORMATION SYSTEMS, GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK

I appreciate the invitation to address you today. You've heard from subject matter experts, legal experts, advocates and pundits about wireless telecommunication and 9-1-1. Now I'd like you to hear from the folks in the trenches. My name is John Melcher and I am the Director of Information Systems for the Greater Harris County 9-1-1 Emergency Network. Our agency provides implementation and administration of 9-1-1 emergency number service to over 3.5 million citizens in the Houston Metropolitan area and serves over one hundred fifty public safety agencies manned by some one thousand call-takers.

I am also privileged to chair the liaison efforts between public safety and the wireless industry for the National Emergency Number Association and the Associated Public Safety Communications Officials organizations. My public safety career spans almost 20 years and has included service as a police dispatcher, a paramedic, and technical operations officer. I hold patents in emergency communications systems design and am responsible for much of the technology that delivers both wireless and wireline 9-1-1 calls within our jurisdiction. I'm pleased to represent my colleagues who are there 24 hours a day, seven days a week, to provide the link between these in need and the resources that respond to their call for emergency assistance.

You have before you a bill, which takes some of the best things about how we protect and serve our society, and provides ways to synergize them. It is really a simple idea, conceived in the belief that a collective effort by professionals, working in concert, will enjoy greater success than those efforts working independently and without coordination. Teamwork in any endeavor usually fosters success, however in this arena success can be measured in human lives.

I am here today to strongly endorse the Wireless Communications and Public Safety Act of 1998. Not since 1968 has Congress lent such a powerful showcase to its concern for the credibility of 9-1-1. Further, it is a magnificent piece of legislation and I encourage you not to allow it to be changed, or the funds it creates diverted for other purposes.

This bill provides for universal access to those famous three digits 9-1-1 and swings a much-needed spotlight onto the efforts of the public safety community. I am grateful to Congressman Tauzin and to our hometown hero, Congressman Green for their efforts in bringing this to your attention. As a Texas Legislator, Congressman Green was the principal sponsor of the first 9-1-1 legislation in the State of Texas, which resulted in the creation of our Network in 1983.

Deregulation of the telecommunications industry has brought about competition, explosive growth and a myriad of service offerings. Options are more prolific than ever and consumer benefit is obvious. And with the benefits have come some serious challenges. But that's O.K. In Texas terms, this isn't our first rodeo. Public safety's administrative, legislative and technical teams, along with America's phone companies, have built a wireline 9-1-1 infrastructure that is the envy of most every country in the world. That's why the public safety community has worked diligently with the wireless industry for the past four years to bring solutions aimed at integrating wireless telephony and 9-1-1.

The effort has been fruitful. Consensus has been reached on the most critical issues of delivering the callback telephone number and the location of a wireless 9-1-1 caller. We continue to work together toward the establishment of cost recovery mechanisms and the limitation of liability. The Federal Communications Commission has adopted the recommendations we produced under this joint effort and has committed to rule making that will make wireless enhanced 9-1-1 a reality. In the FCC issued regulations that require the wireless industry to deliver tr

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back numbers (by 1998) and location identification information by 2001. This demonstration of team effort is unprecedented and cannot be discounted.

But rule making is only the first step. Funding for enhancements to the 9-1-1 infrastructure must be secure. Teams must be established to make certain that the modifications to wireless technology will interface to the wireline network. And it doesn't stop there. Telecommunications switching and delivery systems must interface with the equipment in 9-1-1 call centers. Ten digit phone numbers on digital circuits must replace seven digit numbers on analog lines. Databases must be able to communicate with one another. Analog terminals that have historically displayed block number and street name must give way to intelligent workstations with blinking dots on graphical maps indicating the location of a caller in distress. Networks must be configured to accept automatic crash notification information and other live data. And call-takers must be trained to deal with the ever-increasing demands of consumer technology.

This may sound like a development project of NASA proportions but it is, simply, a matter of using existing tools in a collective and coordinated fashion. Integrating voice and data via digital networks is nothing dramatically new. Precedent exists in almost every area of technology. We proved in Texas, as was duplicated in New Jersey, that wireless callers can be located and that information can be passed to the dispatch center and displayed, all within mere seconds. Technology is NOT the issue. Funding mechanisms, technical standards and team building are at the heart of our impending success.

We must take advantage of the FCC mandate and this legislation, and seize upon them as an opportunity to form public/private partnerships. This legislation fosters just such opportunities by encouraging the independent parallel efforts to unite and forge solutions that will save many more lives. The networks we build for wireless 9-1-1 will be the transport mechanisms we use for Automatic Crash Notification to the PSAP's. The example you set will forge the relationships necessary to integrate wireless service providers, trauma care specialists and 9-1-1 professionals.

Opposition to "Strongest Signal." I have heard some suggest that this bill be amended with the so-called Strongest Signal proposal. Along with my colleagues in public safety, I oppose such an amendment. We are on record stating that this particular method holds the potential of placing more lives in harm's way than it does to save lives. We have been actively communicating our concerns to the FCC, as well as our desire to see the best alternatives explored by the experts. The concept of assuring the delivery of *all* 9-1-1 calls is noble, but not new. It has long been on our collective agenda. The first coordinated effort to explore just such wireless network enhancements for 9-1-1 was the August 1994 Joint Experts meeting in Chicago. The product of this meeting was a report publishing a complete list of features and services to assure delivery of wireless 9-1-1 calls and the related data to support emergency response. We believe strongly that our teaming with the greatest minds in telecommunications to jointly develop standards is the most effective approach. This combination—telecommunications experts and public safety professionals—has proven to be eminently successful in providing solutions for those citizens seeking emergency assistance.

Pass this bill. Provide for our continued success. Send your clear message of support for the team concept. May God bless your labors as you keep a caring congressional hand on the shoulder of public safety. By joining our team you send a gentle but significant reminder to the other players that you are there with those of us, standing strong, watching over.

Mr. TAUZIN. Thank you. I think we will stick with connect the dots. I have seen too many wagon trains be overrun.

We are now pleased to welcome David Aylward. Let me thank you again and the ComCARE Alliance for all the work you have done in preparation for this hearing on 911, particularly in the seminars that you conducted here in Washington to teach other members the importance of this issue.

STATEMENT OF DAVID K. AYLWARD

Mr. AYLWARD. Thank you, Mr. Chairman, and members of the subcommittee. I appreciate the opportunity to testify, and as Mr. Oxley said, it is nice to be home again.

The reason that the wagon trains got overrun is because they did not have automatic attack notification.

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I am honored to serve as the Executive Director of the ComCARE Alliance, representing emergency medical professionals, public safety people, wireless people and others. It is all about the team building John Melcher was talking about. It is all about people like Scott Edwards at one end and large corporations at the other end working together, learning from each other and learning about this end-to-end system which most of us a year ago didn't know about, even those of us who spent our lives in some part of the field.

The bottom line is that today Americans are dying who don't have to die. Americans are suffering more severe and debilitating injuries than they should because emergency care is being delayed. With the passage of the bill and additional leadership by Federal, State and local government in partnership with people like our members, we can deliver in a relatively short time a relatively new paradigm of public safety.

One example from Buffalo last month tells most of the story. A young man drove off the highway into a ravine. His car was part of the test that Jeff Michael described funded by DOT, so his car had ACN. Before he could get out of the car the dispatcher was asking him what shape he was in. Before he could get back on the highway, the police were there to help him out.

Contrast that with an incident reported in the Baltimore Sun last September. A man ran off Interstate 95 into some woods. His family found him 30 hours later with severe head injuries, and the newspaper said that he was fighting for his life at the Maryland Shock Trauma Unit.

That didn't need to happen. This committee has already heard extensive testimony about the benefits. I am not going to repeat them.

But a little perspective may be helpful, and that is you talk to people like Rick Martinez who have been with EMS for a long time and they will tell you 40 years ago we didn't have EMS in this country. Now we have the most advanced system in the world, but those dedicated professionals like Scott Edwards and John Melcher and others can't do their jobs until they can deliver the right care quickly. They can't deliver the right care quickly unless we know an emergency exists, where it is and have information about it.

Now, wireless has already been an enormous help to EMS and to police and fire and other public safety organizations. It has provided them with over 58 million citizen eyes and ears they didn't have 15 years ago, and keep in mind none of this existed 15 years ago. In cars and on foot wireless telephones are providing citizens with security that they didn't have in giving public safety and medical agency notice of medical emergencies, crime, and other emergencies faster than ever before. But as you said and John said, we haven't connected the dots. We haven't taken advantage of the technologies which have already been invented. We haven't connected those millions of wireless subscribers directly into the emergency agencies in the right way, and we haven't given dedicated emergency personnel the tools that they need to do their jobs. And the reason we haven't, most important, is senior government officials, like your Governors and others, haven't paid attention to those issues before. That is the real problem here, the lack of high

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level involvement with these kinds of issues. The challenge is not technological, it is political, financial and legal.

The answer is leadership, and you folks are starting to provide it and that is great. I think that is going to make it happen.

Three particular points about the bill that I just want to touch on: One, the answer to people's calls not getting through is to have a network to get them through on. It is not to do techie fixes, it is to build networks, and because of the policies of the Congress and the FCC, you are going to see an explosion of network building, an explosion in the wireless industry, the delivering of lots of networks so people can make calls on them. The bill addresses part of that problem by saying Federal agencies make property available. It does not deal with most of the areas, which is local and State restrictions on siting.

Our group believes that the best way to handle that is not to try to preempt local towns, but for people like them to work with them and to explain the public safety need and we hope that will take care of that as well, but siting is critical, seamless networks are critical.

Second is liability parity. It is fair, logical and essential to the expansion of wireless E911 to have liability parity between wireline and wireless. It is not providing full indemnification; it is not providing protection. It is simply saying treat the wireless the same way you are treating the wireline and unless you do that you are not going to get the wireless carriers to put in these location capabilities.

My final point is coordination. Coordinated State planning will bring together the people necessary to implement an end-to-end communications network. Just like John was talking about team building, we need to work out the details to enhance 911, how to pay for it, where the new automatic crash information will go, and so on.

You have to work together, not town by town. We are not preempting any State laws or local authority. We are saying work together at high levels. The bottom line is this is a great first step. We look forward to working with you, both here and working with you and the Governors in the States, to make it happen.

Thank you for holding the hearing.

[The prepared statement of David K. Aylward follows:]

PREPARED STATEMENT OF DAVID K. AYLWARD, EXECUTIVE DIRECTOR, COMCARE ALLIANCE

Introduction

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to appear today to testify in support of H.R. 3844—the *Wireless Communications and Public Safety Act of 1998*. It will vastly improve our nation's emergency communications and response capabilities.

I serve as executive director of the ComCARE Alliance which is a broad-based coalition of emergency medical professionals, public safety, citizen and wireless industry representatives and other organizations. Our current membership list is attached. The purpose of the ComCARE Alliance, which stands for "Communications for Coordinated Assistance and Response to Emergencies," is to support and promote the nationwide development of end-to-end communications networks to enhance public safety. H.R. 3844, which Chairman Tauzin and many other members introduced last month, will help make ComCARE's vision of an end-to-end system a reality.

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The Bigger Picture

Americans are dying today who don't have to die. Americans are suffering more severe, debilitating injuries than they should because emergency care is delayed. With the passage of this bill and additional leadership by federal, state and local government, in partnership with people like our members, we can deliver in a relatively short time a wholly new paradigm to enhance public safety.

One example from Buffalo last month tells most of the story. A young man drove off a highway into a ravine. His car was part of a test funded by DOT that put automatic crash notification technology in his car. Before he could get out of the car, the dispatcher was asking him over his car phone what condition he was in. Before he could climb back to the highway, emergency personnel were there to help him.

There is no need for me to discuss in detail the benefits which can be obtained by end-to-end systems, or the barriers to them. I do not need to repeat the statistics on highway crash deaths pre- and post-care. These issues and the need for legislation like this were fully addressed in the Subcommittee's hearing in March. At that time you heard from our Chair, Sue Hoyt, the immediate past President of the Emergency Nurses Association, from a state 9-1-1 director, from a leading emergency physician, from the Administrator of NHTSA, from the CEO of the Cellular Telecommunications Industry Association, from the Chairman of the American Trucking Associations, and from a leading Mayor. They all had the same basic message. They all supported the general direction of this legislation.

At the bill's introduction in May, Jim Brady of the Brain Injury Association, and Kathy Chapman of the Emergency Nurses Association, repeated and expanded on these statements.

Forty years ago we didn't have emergency medical systems in this country. Now we have the most advanced EMS systems in the world, but these dedicated professionals cannot do their jobs unless we can deliver the right care to victims, quickly. We cannot deliver the right care quickly unless we know that an emergency exists, where it is, and have information about it.

Wireless has been an enormous help to EMS, and to police, fire and other public safety organizations. It has provided them with now over 58 million citizen eyes and ears they didn't have 15 years ago. In cars and on foot, wireless telephones are providing citizens with security they didn't have, and giving public safety and medical agencies notice of medical, crime and other emergencies far faster than ever before.

But we have not "connected the dots". We have not taken advantage of the technologies which have already been invented. We have not connected these millions of wireless subscribers directly into the emergency agencies in the most effective ways. We have not given dedicated emergency personnel the tools they need to do their jobs. Until new, the higher levels of government in Washington and the states have not paid attention to this issue. This bill seeks to change that, and we strongly support it and your leadership.

As one of our members said recently, the challenge is not technological. It is political, financial and legal. The answer is leadership, and you and your colleagues are providing that leadership.

Bill Summary

Let me briefly describe the bill for those unfamiliar with it. H.R. 3844 provides block grants to the states to do the following: designate 9-1-1 as the universal emergency number; upgrade their 9-1-1 networks to accommodate wireless location; expand drunk and aggressive driving prevention efforts and other pre-hospital emergency activities; and develop coordinated state plans for linking the public to emergency services.

In addition, H.R. 3844 funds Automatic Crash Notification (ACN) field research, encourages private sector efforts to connect wireless to smart cars, and helps establish seamless wireless telecommunications networks by facilitating wireless antennae siting on federal property. This legislation does not require the use of existing federal funds. Instead the block grants will be funded by the leasing income federal agencies collect by making their property available for antennae siting—a provision fully consistent with a Presidential Executive Memorandum issued in 1995.

I would like to discuss three elements of H.R. 3844 that are essential to making an end-to-end system work: seamless wireless networks, liability parity, and coordinated state planning.

Seamless Wireless Networks

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phone service, and that n [illegible]
show that more and more [illegible]
If people buy phones for safety, [illegible]

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They rightfully expect to be able to dial 9-1-1 on their wireless phones and connect to an emergency operator as easily as they do when they call 9-1-1 from their home phones. Unfortunately, these expectations are not always the reality. When there is no wireless antenna to serve an area, people's calls cannot connect—even to 9-1-1. Many in the medical community refer to these gaps in wireless coverage as "dead zones" because of the grave consequences that result when calls for help take too long.

There are a number of reasons for "dead zones". One that we hope will be eliminated is government action, or inaction. In far too many communities across the country, governments are blocking the development of these new communications networks.

We recognize that some are concerned about the esthetic impact of some wireless antennae. But these antennae are far less visually intrusive in the aggregate than the traditional telephone and electric poles which line our streets, and each single antenna delivers the ability of citizens to reach help in an emergency wherever they are.

Wireless communications are the critical link in the end-to-end system advocated by ComCARE and supported in H.R. 3844. The bill will codify the President's Executive Memorandum, issued in 1995, that directs federal agencies to work cooperatively with wireless carriers to allow antennae siting on federal properties. The simple fact is that, notwithstanding President Clinton's Executive Memorandum, delays, inattention, or resistance by many federal agencies have made federal property a last resort for carriers. This is depriving the public of communications, and depriving the taxpayers of a source of revenue.

H.R. 3844 does not pre-empt any local zoning authority regarding antennae siting. However, the ComCARE Alliance hopes the federal government's example, and our work around the country, will help state and local governments recognize the public safety value of seamless wireless networks and increase local efforts to eliminate dead zones. This is consistent with the 1996 Telecommunications Act that says wireless networks should be seamless.

The wireless industry has a commercial incentive to build antennae with private funds wherever subscribers want to make calls. Public safety gets a free ride on that incentive in the form of 9-1-1 calls—which are completed without charge. We believe government at all levels should work with the industry to facilitate antennae siting.

Liability Parity

The second component essential to the end-to-end system is liability parity. Here again, H.R. 3844 avoids federal pre-emption and rejects the idea of imposing a federal "one-size-fits-all" standard on the states. What the bill says is that each state must extend the same 9-1-1 liability laws that apply to its wireline telephone companies, 9-1-1 service providers, and users to the wireless companies, 9-1-1 service providers, and wireless users in the state. So Louisiana's law will apply in Louisiana and Massachusetts' law will apply in Massachusetts. In many states, the same companies who offer wireline 9-1-1 services provide wireless 9-1-1 services. It doesn't make any sense that one company, offering basically the same service, is subject to totally different liability standards depending on whether its customer calls on a wireline or wireless phone.

Nine-one-one liability parity between wireline and wireless is fair, logical and essential to the expansion of wireless enhanced 9-1-1. Without liability parity, many wireless carriers will be reluctant to provide the critical location capabilities we want them to offer. The physics of radio communications prevents perfection, either in call completion, or in location. The FCC recognized this in its E9-1-1 Report and Order by saying location must be accurate within 410 feet 67% of the time. That would be a huge step forward, but it won't happen, or will happen much more slowly, if carriers believe it will be easy to win suits against them for location errors.

H.R. 3844 does not provide immunity, it merely puts wireless 9-1-1 on a level playing field with wireline 9-1-1 and therefore removes a barrier to getting these new location technologies implemented.

Coordinated State Plans

The third component I would like to address is the concept of coordinated state planning. In many ways, I believe this is the heart of H.R. 3844. Coordinated state planning will bring together the people necessary to implement end-to-end emergency communications systems—emergency nurses, emergency physicians and trauma surgeons, law enforcement personnel, fire services, state EMS directors, automobile safety groups, 9-1-1 officials, wireless carriers, and other interested state and local decision makers. These people all play a role in the delivery of some component

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of the emergency response system. H.R. 3844 provides incentives for them to come together, pool their expertise, and make a difference.

There is a wide variation in state and local emergency communications systems across the United States and even within a given state. Most states do not have the software or equipment to deal with wireless enhanced 9-1-1 much less the coordinated networks to deliver sophisticated automatic crash data to emergency medical facilities. Coordinated state planning is best described as getting all the right people to the table and making sure they remain at the table so that states can make informed decisions about the best ways to improve their emergency communications systems.

Consider the facts: in the United States we have the most advanced emergency medical system in the world. "Smart cars" are on the roads today that have more computer chips than your office PC. There are over 58 million people subscribing to wireless phones who make over 83,000 calls to 9-1-1 per day. There are 15,000 Public Safety Answering Points across the country which answer 9-1-1 calls and dispatch help. Yet all of these are not linked together with the upgrades necessary to provide a really effective end-to-end emergency communications system.

With wireless carriers' service areas spanning multiple jurisdictions within and among states, and emergency medical services and PSAPs often covering multiple jurisdictions, there is a serious need for coordinated response to emergencies. The experts and stakeholders in the states need to work out the details for implementing enhanced 9-1-1: how to pay for it, where the new automatic crash information will go, what the protocols for emergency response should be, who should be included in response decision making, and a host of other issues relevant to their states. These are not issues that can easily be done city by city, town by town.

The bill provides incentives to elevate these discussions to much higher levels than at present, calling on each governor to convene these groups and lead them.

While the legislation provides incentives for "coordination", it does not pre-empt state and local laws. It will not interfere with the balance each state has achieved between state and local authority over 9-1-1 dispatching and emergency services. It does not require a "czar" who will override current local authority. It does not impose a "federal answer" on the states.

Avoiding "Add-Ons"

The bill before you is a carefully balanced package which has emerged from over a year of discussions and mutual education between these disparate groups and Congressional leaders. It is no one group's ideal "wish list". Each of our members, on its own, would probably want the bill to be somewhat different. But they all recognize the power of combining together, both to support the bill, and also to get these systems actually installed in the states. And they recognize that if they were to insist on their "wish list", they could drive apart the effective coalition we are building.

Similarly, we all stand together in opposing the efforts of others to use this legislative vehicle to enact extraneous provisions, however well meaning, which might delay its passage or reduce its effectiveness.

Conclusion

The ComCARE Alliance plans to build chapters in every state to help bring the stakeholders to the table. We will be the foot soldiers in the effort to get end-to-end emergency communications systems in place. We are deeply committed to this cause because ComCARE members understand that response time is the most critical factor in highway crashes and other life-threatening emergencies such as heart attacks. An end-to-end system will dramatically reduce response time to emergencies and provide the information needed to deliver appropriate emergency response. An end-to-end system will save thousands of lives every year.

Chairman Tauzin, you and your colleagues have taken the first step necessary to implement an end-to-end emergency communications system by introducing the *Wireless Communications and Public Safety Act*. The ComCARE Alliance pledges its full support to passing this legislation and working to implement its goals in the states. Thank you for the opportunity to testify in support of this life-saving legislation.

COMCARE MEMBERSHIP LIST

(AS OF JUNE 1998)

Emergency Nurses Association; American Automobile Association (AAA); American College of Emergency Physicians; Cellular Telecommunications Industry Association; Fraternal Order of Police; Coalition for American Trauma Care; National

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Flight Nurses Association; Bell Atlantic Mobile; Emergency Nurses Care (ENCARE); American Burn Association; Journal of Trauma; Bill Munn,* President, National Emergency Numbers Association; National Association of State EMS Directors; Brain Injury Association; American Association of Critical-Care Nurses; Society of Pediatric Nurses; Association of Women's Health, Obstetric and Neonatal Nurses; American Association for the Surgery of Trauma; Eastern Association for the Surgery of Trauma; A O North America; New Jersey EMT Registry; Orthopaedic Trauma Association; Calspan, An Operation of Veridian; John Melcher,* Director, Information Systems, Greater Harris County 9-1-1 Emergency Network; and AutoLink.

* for identification purposes only

Mr. TAUZIN. The Chair will recognize the members in order of appearance. The Chair will start with himself.

Let me first, Mr. Aylward, follow up on what you said. I think there are 600 communities in America who still have moratoria on tower siting. We want to make it clear our bill does not take away that authority from the local governments to keep their moratoria, which is in effect saying no more towers in our community. But we certainly would encourage ComCARE Alliance, all of you who believe in the potential of the new 911 system to save lives, to continue working with those communities to encourage them to somehow work out appropriate zoning laws which would permit tower construction where appropriate to continue the building of these networks for those communities as well as those which have already adopted a policy for tower siting.

Let me also in my time also mention to you that recently this week I was visited here in Washington by a young lad named David DuPlantis, 8 years old.

He was awarded one of our Nation's hero metals last week, wireless hero metals. He and his uncle and cousin were in a boat in south Louisiana in my district when their hydraulics went out and the boat careened at high speed into an embankment. The boat was split open, and the uncle was knocked semi-conscious and the cousin was knocked unconscious, severely injured, near death.

This 8-year-old child, using his wireless phone, dialed 911 and was able to summon help. It took 45 minutes for the helicopter to locate them, the reason being a willow tree had fallen on top of their boat from the embankment and completely covered their location. But this child stayed on the phone for 45 minutes until the helicopter hovered close enough overhead. They still couldn't see him. His last words to the helicopter were, "Send the ladder down, we will climb up. You are right on top of us now."

An 8-year-old child. For 45 minutes his uncle, and particularly his cousin, hovered in semi-conscious and near death state. Another example to all of us how a locatable remote wireless phone system connected with all of the dots to automatic response and Enhanced 911 systems might in fact have prevented what was a near tragedy, a very serious injury, but a near tragedy for this young family.

A hero, David DuPlantis, 8 years old from Houma, Louisiana. I wanted to recognize him again today and honor him in this C-SPAN coverage for his heroism that day. But again the hero could have been that phone, could have been the boat with the device in it like that which would have automatically summoned help in the first 5 minutes instead of the 45, and that is what we are after here teday.

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Mr. Bibb, let me quickly ask you a couple questions. You are concerned about section 715 of our bill. Your concern under 715(b) is that it might require the actual signing of a lease in the first 60 days. Let me assure you that was not our intent. Our intent was to make sure that the requesting telecom company got a "yes" or "no" within the first 60 days and then we proceeded with the technical issue of the lease. We will make sure that is clear.

Mr. BIBB. As I said, we don't object to a "yes" or "no" other than in some circumstances when there might be some environmental or historic preservation issues.

Mr. TAUZIN. Let's talk about that, too. You also mentioned that you objected to carrying the burden of proof as the agency in the court. Let me suggest to you why we constructed it this way and why we think it is important to keep it that way.

The situation is where the agency says "no," the agency says "no," not because you haven't complied with environmental conditions but because under the bill you have to, and we will discuss what you have to comply with in a second, but the agency said "no" for 1 of 2 reasons in the bill, which is that the mission of the agency will be in direct conflict with the license at issue to build or that you have a planned use for the property at the time.

That information is in the hands of the agency, not in the hands of the company applying to lease. The concept of putting the burden on the agency and going to court to see why it said "no" is based on the notion that the agency is in possession of that information while the applicant is not. If the agency knows it is planning a different use for the property or the agency believes that the tower is in direct conflict with the use of the property, the mission of the agency, that information is uniquely with the agency.

My time is up, but perhaps you could respond to that.

Mr. BIBB. Mr. Chairman, I am not going to try to answer in detail. My background is not legal. I know our lawyers indicate to me that it would be highly unusual to have the defendant in a civil case with the burden to sustain this action.

I would think that the information that you are talking about would probably come out in the course of a judicial action anyhow. That is something that we may want to have our staffs talk about.

Mr. TAUZIN. The Chair is pleased to recognize the ranking minority member who was cutoff in his phone service today on his way to work through Rock Creek Parkway, and he is mad as heck about it. Mr. Markey.

Mr. MARKEY. Thank you, Mr. Chairman, very much, and thank you for having this, again, very, very important hearing. And the example of that young boy in your district in Louisiana is a perfect example of how these technologies can really be used to improve, augment public health and safety in our country.

I have a few questions, if I may.

The legislation proposes to extend liability protection to wireless carriers for 911 calls in the same way that wireline telephone companies have certain liability protection in the United States today.

This is important, the carriers say, so that they are not reluctant to provide the critical location information that the bill promotes.

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My question is: How do we deal with extending liability protection in cases where the carriers have not fully built out their networks?

Why should a carrier, in other words, whose coverage area looks like a piece of Swiss cheese on a map obtain the same liability protection as a carrier that has fully built out their network with 911 capability in ubiquitous fashion? How do we withhold that liability protection unless and until they have fulfilled their full network protection? Otherwise we will have women in cars, children in distress who will be told that you were within the Swiss cheese area of our service area. How do we build in the words that guarantee no liability protection?

Yes, Mr. Aylward.

Mr. AYLWARD. I think I would start by recognizing the economics of the wireless industry.

One of the things that I started learning up here and continued to learn in the private sector is if you can get somebody's preexisting incentive and get them to do what you want to do, that is better than trying to run against them in the opposite direction.

The wireless industry makes money when you can make a phone call. If you can't make a phone call, they don't get a dime.

If there is traffic out there, if there is somebody out there who wants to make a call, and there are enough of those people, they will put an antenna out there. That is why they are building antennae all over the country. That is why they are complaining to us in ComCARE and you on the Hill about siting policies because they want to put up more antennae to extend networks and they want to have smaller cell sizes to deal with capacity.

Mr. MARKEY. But if a company advertising, "come with our company, we have 911 protection," and they will have an ad of a woman driving along at midnight in a wind-swept, desolate area and then it turns out that it doesn't work because it is one of the areas that has been carved out for non-service. Is it fair to give the same protections to companies that fulfill all of the responsibility as we would to those who might make economic decisions that they are not going to cover the entire region?

Mr. AYLWARD. I always have a problem communicating clearly times, and let me try again.

Companies have an incentive to put antennae out there. They have no incentive not to, No. 1.

Mr. MARKEY. If they don't do it——

Mr. AYLWARD. Hang on. The next thing that we are saying is add something to your antenna. Add something to locate people in addition to your antenna and don't wait until——

Mr. MARKEY. Should that be a condition of extending liability? How do you get them to do that?

Mr. AYLWARD. You just write it into the bill. They only get it if they put that technology on top of all of the antennae in their region? Can we write that in?

Mr. MELCHER. As much as the 911 community would support that, I believe what might be missing is the intent to withhold coverage. What may be implied by your question, if I am presenting it correctly, is that there is some type of an intent to carve out an area that is not covered.

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I would say from a market standpoint most of the carriers say here is our coverage area. They show you these large maps so that you have an incentive to buy their phone and sign up with their service. In Texas we handle this through willful negligence, so if they demonstrate negligence and you prove that they intentionally left out this area because there is no revenue in that area——

Mr. MARKEY. But that puts a terrible burden on a woman who at midnight has been relying on this phone system. She is now basically put in a position of terrible physical harm, perhaps harm does occur to her, and now you put the burden on her to have to sue a company that promised her this protection, and sue under willful, willful negligence.

I think that is an awful high burden to put on an individual, a woman, who has been relying on that company to give ubiquitous coverage, but doesn't because she happens to be driving in an uneconomic area. The company shouldn't be allowed to advertise that they are covering if uneconomic areas are not going to be covered because that is where the danger is. The danger is in those very areas that are more remote that are not covered, that might not be economical. Most people aren't afraid that they are going to need a cell phone when they are driving in their hometown. People are afraid when they are visiting someone 20, 30 miles out of town. Their car breaks down and they are afraid something harmful is going to happen.

Mr. MELCHER. All we have seen is a desire to cover areas, not a desire not to.

Mr. MARKEY. So let's write it in. Let's cover it. Let's just mandate it. What do you say, Mr. Melcher?

Mr. MELCHER. I would say that we have not seen an intent and so in all——

Mr. TAUZIN. Use the mike.

Mr. MELCHER. In all of our experience with the wireless carriers who have wanted to cover and many times they can't cover because of the inability——

Mr. TAUZIN. The gentleman asked for an additional minute and without objection so ordered.

Mr. MARKEY. You understand the cell phone companies are asking us to give them a huge benefit. We are going to strip away the protections in the public lands in terms of their ability to locate these sites all over America. It might mean hundreds of millions of dollars in extra revenues generated by cell phone companies every year. That is a huge benefit. And the Park Service is not happy with us doing it. It is a huge gift from the Federal Government to the cell phone companies, but in return they are saying don't worry about these women, these children who are going to be in these remote areas, but now we are told don't mandate it, just strip down the barriers that have existed to the cell phone companies siting these locations where it is economically desirable for them, and I think we are going to have to work this out because the benefit is huge for the cell phone companies and I want to make sure that the consumer gets every benefit that is being promised.

Mr. AYLWARD. Mr. Markey, we will be delighted to respond in writing.

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I think you have the economics wrong here. I think you have the legalities wrong here, and I think you have got where danger is wrong here, but it isn't the first time that we have disagreed on something and then worked it out soon afterwards.

Mr. MARKEY. But I don't think that I have the cell phone companies wrong here. I think I understand their agenda and I am just trying to square it with the consumer.

Mr. MELCHER. The public safety community stands ready to work with your office, Mr. Markey.

Mr. TAUZIN. The Chair is now pleased to recognize Mr. Shimkus from Illinois for a round of questions.

Mr. SHIMKUS. Thank you, Mr. Chairman.

Dr. Michael, can you just briefly, and I probably should have done a little better preparation, but in your test area with this device, do they have to have a cell phone connection to begin with? Briefly go over the technical aspects of your device in your test area.

Mr. MICHAEL. This device is retrofitted under the rear seat of an existing vehicle belonging to a person participating in the test. The vehicle is also equipped with a conventional hands-free wireless phone.

When the crash occurs, this device senses the magnitude of the crash and the crash direction. It locates itself using global positioning satellites, and then it sends a call for help together with a description of the crash over the conventional wireless network. So yes, it needs a wireless connection to perform that function.

Mr. SHIMKUS. If they are in an area, following up on my colleague's questions, where there is no tower and no signal, then there is no transmittal; is that correct?

Mr. MICHAEL. That would be correct.

Mr. SHIMKUS. My colleague from Massachusetts also mentioned that the Federal Government would be giving away to—let me finish—will be kind of giving away and will receive nothing. The idea is to get towers up on public lands—a couple of things happen.

First of all, we will receive revenue from doing that.

The second thing is that we will be protecting citizens in Federal parks and public lands, so there are some intrinsic benefits of doing this and maybe covering some of the holes in the Swiss cheese that really make it difficult. Sometimes the towers are not located because of economic issues. They are not located because of vast expanses of Federal lands or they are not located there because of "not in my backyard" issues, but I wanted to tie those two together.

Mr. Melcher, on cost recovery, can you go over that real quick? I know that it is a big issue in Illinois. Cell use, 911, our costs are recovered by land lines or actual lines. What is the cost recovery issue?

Mr. MELCHER. It is really pretty simple. We did this in the wireline site. This is not our first rodeo. We built the first widely recognized 911 system in the world using the wireline models. Unfortunately, none of the infrastructure or the equipment that is on the wireline side today anticipated wireless and 911.

Cost recovery should be left up to the States because it is done differently from State to State, but the vast majority of the coun-

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try, the States, have some kind of subscriber surcharge, so it is a per wireline surcharge, and that usually raises sufficient funds to cover, or historically has done that for the wireline site. We believe that that can be done on the wireless side as well.

Texas has already put their stake in the ground by passing legislation that not only was a compromise between the wireless community and the public safety community, but it actually provided for a cost-recovery mechanism as well as limitation of liability.

I would say that location-determination technology systems that will find that phone are just now starting to come into the forefront and so therefore we may or may not know exactly what those costs are, but it doesn't prevent us from going back to the legislature and saying yes, we have plenty of money or maybe not enough but it is a workable solution.

Mr. SHIMKUS. Briefly, can you mention this strongest signal debate and why you are in opposition to it?

Mr. MELCHER. We are not in opposition to getting the call through. Obviously, that has been our desire all along and we started this back in 1994. So it is not a new idea. It has always been on our agenda to make sure that we have systems that are robust enough, the phones are robust enough, the networks, the air interfaces are capable of getting that call through any possible way.

There are already ways to go to the other carrier and place a 911 call. The reason we have some concern about the strongest signal issue is because it takes a very narrow snapshot of one little piece of getting the 911 call to the PSAP. It only looks at the air interface issue and not the trunking issues of the phone, local exchange carriers, not the equipment facilities of selective routers. It actually cuts in half in many instances the ability to get the call through because you only have one carrier serving a geographic area as opposed to two.

Mr. SHIMKUS. Thank you very much, Mr. Chairman. I yield back.

Mr. TAUZIN. I thank the gentleman from Illinois and the Chair will now recognize the gentlelady from California.

Ms. ESHOO. Thank you, Mr. Chairman. I have several questions and so I would just ask our wonderful witnesses to be as succinct as possible in answering the questions.

First I would like to go to Mr. Amarosa. You mentioned in your testimony that you have strong privacy protections in place to ensure confidentiality. Could you be specific about what some of them are?

Mr. AMAROSA. Well, first of all, the entire privacy issue is—the whole issue of privacy has been addressed. There are several levels of it. If you look at it from a corporate point of view, we have placed certain safeguards into effect.

Ms. ESHOO. Can you be specific about what they are rather than the generality of saying that you have them in place?

Mr. AMAROSA. Specifically, individuals who come to work in an area where there would be sensitive data are screened. Background checks are done on them. Certain other checks are done on them for substance abuse, et cetera. Audit trails are created. If anyone accesses that information other than for authorized means, fire walls are created, so there are passwords, so that you cannot get to certain information to disseminate it back at a given point.

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That is from a corporate point of view.

In addition, the system is designed whereby the access to that information that is passed on to the PSAP is then again part of an encrypted capability through the trunking networks where you would have to basically go into the trunk network that would exist for the local exchange carrier that would route it then to a PSAP, if that is the way that it goes in a particular location, and actually tap into the signal at that point, and then there are a whole host of laws that govern that area.

Ms. ESHOO. Is any part of this plan new, so to speak? Is it untested or parts of it already practiced or do you have something new in place that is not presently being used?

Mr. AMAROSA. The corporate end has been in effect since we have been in business and location technology is new on the scene. Since we have been in business, that has been in effect. In addition, the trunking capability is very similar to the wireline, where you cannot tap into a wireline call until you get previous subpoena capabilities and approval on that through a court order situation. So in that respect it then goes into the wireline network.

Ms. ESHOO. Thank you.

To David Bibb, I am curious about how the Federal agencies currently budget their revenues from tower sitings in outyear budget projections. How will this effect this bill and those projections?

I raised in my opening statement that I had some reservations about how the actual money end of this would work, so the bill does contain an element of addressing that, and what you are able to tell me will perhaps cast more light on how effectively that part of the bill would work.

Mr. BIBB. Let me first make the point which I have said a couple of times; that is, that we don't believe there are billions of dollars out there to be raised from the Federal outleases. Federal agencies already by law and by Presidential memorandum and by our bulletin are required to make their properties available. So I base my statement on our experience to date.

Just to give you one example, the General Services Administration itself, which owns the bulk of the urban properties, has turned down no requests for siting, has had a very aggressive program, including actually going to trade fairs. Their marketing is raising about $1 million per year. Since those are the bulk of the Federal urban sites, we are not looking—I don't believe, at least, that we have hundreds of millions of dollars to be collected.

Ms. ESHOO. So your entire agency has generated a million dollars in the last year relative to——

Mr. BIBB. That is the annual amount for the General Services Administration from its inventory. GSA owns the bulk of the urban sites. It doesn't own the park lands, national forests and that sort of thing.

Ms. ESHOO. Do you know how other Federal agencies currently handle their budget revenues from tower sitings? Is it an outyear budget projection, or is it a wash?

Mr. BIBB. It is a wash. As far as I know from the scoring provisions, you are increasing the—under pay as you go, you are increasing the revenue side, and that would be an offset for expenditure increases.

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Ms. ESHOO. For all Federal agencies?

Mr. BIBB. I believe it would be a wash if it were spent for antenna purposes. One provision of the bill allows agencies——

Ms. ESHOO. How many towers are we talking about?

Mr. BIBB. Right now GSA has about 75 on Federal buildings nationwide.

Ms. ESHOO. With a million dollars in revenue and that's it?

Mr. BIBB. Right. That is from the GSA inventory. We have received 482 requests governmentwide, all agencies, from the industry in the past year. As I indicated, in the last year the government turned down only 11 of those.

Ms. ESHOO. My red light has come on.

Mr. TAUZIN. The Chair will give the gentlelady an extra 30 seconds. Will the gentlelady yield?

Ms. ESHOO. Yes.

Mr. TAUZIN. Thank you.

I just want to point out that the information that we have with the committee from CTIA is that if only 5 percent of all required new sites were available, that the revenues realized through the Treasury over the period of time, 1998 to 2003, would be $292 million. So that is nearly a third of a billion dollars, which is significant if they are correct.

Mr. BIBB. Mr. Chairman, I think we really need to sit down and talk about those numbers.

In most urban areas where the bulk of the income would come from, you are only talking about one or two Federal sites per city so I am not even sure that you get up to 5 percent.

Mr. TAUZIN.Ten percent is a half a billion dollars. I don't know either. All we know is that we have wide estimates of what it might produce but it could be tens of millions or hundreds of millions.

Mr. BIBB. My major purpose is that I don't believe that there is a huge pot out there, and I simply want you and the members to be aware of our thinking.

Mr. TAUZIN. Does the gentlelady need additional time?

Ms. ESHOO. I want to follow up. Maybe it is just to plant a seed and somebody else can ask more about this. What is your basis for valuing the leasing of the sites?

Mr. BIBB. Fair market value. And that is what the bill calls for.

Ms. ESHOO. Whose fair market, the government or the industry? A lot of times the government is not behind the 8 ball. They may use some old formula. I am not suggesting that is what you have, but I think it is very important to understand where the money is going to come from.

Mr. BIBB. We are using fair market value. We are very comfortable that the amounts that we are collecting are right in line with the commercial markets. We will obtain a commercial private sector appraiser if needed.

Ms. ESHOO. And that formula applies to all of the Federal agencies?

Mr. BIBB. Yes.

Ms. ESHOO. You are the service arm. You have a great director, and I have a great deal of regard for him. Thank you.

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Mr. TAUZIN. I thank the gentlelady. The Chair will now recognize the distinguished gentlemen from California.

Mr. ROGAN. Thank you very much for calling the series of hearings which I think——

Mr. TAUZIN. Jim, would you turn your mike on, please.

Mr. ROGAN. I have this warning note here that says all of the mikes are live so I have been refraining from making any controversial comments under my breath, and now I find out that it was not on.

Mr. TAUZIN. The second mike is live.

Mr. ROGAN. I want to thank the chairman for calling this series of hearings and also for introducing this legislation which I think is important and I am pleased to be a cosponsor.

I do have a couple of questions for the panel as a whole and these were actually questions that I had when I first discussed the proposal with the chairman.

Doesn't the FCC technically have the ability to mandate that 911 become the universal emergency service number absent this legislation?

Mr. MELCHER. They already have in the 94-102 docket. Unfortunately some States are still using things like "*SP" or something for emergency services for wireless and I believe this bill kind of clears that up.

It does not preclude States from using things like "*SP."

Mr. ROGAN. Could the FCC mandate that the States use 911 specifically if they wanted to?

Mr. AYLWARD. I suppose they could, sir, but they can't mandate that somebody answer the phone.

Mr. ROGAN. That would be a problem.

Mr. AYLWARD. Somebody answer that number. In effect the FCC has mandated it by setting 911 aside everywhere. You can't use 911 for information. It is only an emergency number. But the actual decisions on putting in any 911 system are State and local decisions and the bill encourages that by saying you can't have a grant unless you go this way, which we think is probably the appropriate way to do it.

Mr. ROGAN. So theoretically a recalcitrant State can say fine, you can mandate that 911 is the emergency number. However, if anyone wants service in State X, they will need to dial "*77?"

Mr. AYLWARD. That is correct.

Mr. ROGAN. With respect to the grant, Mr. Aylward, let me ask you, under the legislation the only reason that a State would not receive the requested grant is if there were not available funds within the fund.

What recourse would be available or what would be an appropriate remedy if we had a case where the State certified on its application that it meets the requirements, but in fact it doesn't?

Mr. AYLWARD. First, there are several conditions on getting grants. While there is broad flexibility to the States as to how to use the money and most of the requirements are procedural, there are requirements.

And this goes back to what John said about teamwork. The key goal is get all of the right people together. Get the State people, leading State agencies, like State EMS, State public safety, get

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them together with the doctors and the nurses and the wireless carriers and get a plan. If you don't have a plan, then you don't get any money. But if they are breaking the law by spending the money to, you know, support something that is not in this area, then the administrator is supposed to cutoff the money, and I am not an expert on recovery actions within States on appropriate grant spending, but I assume that there are laws governing that.

Mr. ROGAN. Thank you, Mr. Chairman, I yield back.

Mr. TAUZIN. The Chair now recognizes the gentleman from Ohio for a round of questions.

Mr. SAWYER. I just can't let this opportunity pass without thanking Mr. Melcher from Houston. Houston 13 or 14 years ago went through a tragic experience with emergency medical response which served as an example to the rest of the Nation in how critical it was to respond to as many different kinds of calls as you receive.

I was a mayor of Akron, Ohio, a city just under a quarter of a million, in which there were some questions being raised, particularly in the newspaper, about whether or not we needed to answer as many responses as we did. We were preparing to go with 911 at that point and the policies behind that were critically important and the lessons that we learned from Houston were very important. I wanted to reflect the gratitude from a lot of mayors, I suspect, all across the United States.

Mr. MELCHER. Thank you.

Mr. SAWYER. Let me just clear up a couple of things very quickly. Dr. Michael, you talked about the test in Erie County. What kind of locational system is being used in that test and how much does the ACN system cost as you are testing it?

Mr. MICHAEL. For our test in Erie County, New York, we are using global positioning based in this black box for location.

So, the vehicle finds its own location via satellite and relays that information over the wireless connection. We estimate that these boxes would cost several hundred dollars apiece in production.

Mr. SAWYER. What kind of information is sent, and in what format? Is it encrypted?

Mr. MICHAEL. Yes, it is. The information includes crash direction which tells the dispatcher whether it was a frontal crash, rear-end collision, rollover.

Mr. SAWYER. It characterizes the event?

Mr. MICHAEL. Yes, and also crash severity. There are three accelerometers which provide that information; in addition to the crash location, latitude, longitude, and of course the distress call.

Mr. SAWYER. I think it was Mr. Shimkus who asked a little bit ago in the event that an accident takes place in a dead area, you said there is no transmittal.

Did you mean that literally or was that sort of a "tree falls in the woods" answer?

Mr. MICHAEL. Well, the wireless phone will of c a point of access. The call will attempt to be made w as a 911 call would be made from a hand-held pl

If the vehicle is in an area where there is no to to pick up that call, then the call could not be c

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Mr. SAWYER. It is not completed, and the information is not transmitted. I am concerned about the old phenomenon where CB owners would send out emergency signals and highway predators, would show up on the scene. I don't know how much those stories were apocryphal or not, but the idea about people being able to receive information and return to areas where there was no emergency reception provides enormous temptation, I would think.

Mr. MICHAEL. These calls are directed to the 911 centers specifically.

Mr. TAUZIN. Would the gentlemen yield?

Mr. SAWYER. Sure.

Mr. TAUZIN. Even in the dead zone where the cell phone can't access a tower, in your experience the box would nevertheless still communicate by a GPS the location of the vehicle to a central station, would it not?

Mr. MICHAEL. The vehicle would be able to locate itself. That is, the box would inquire of the satellites where it is, but it would not be able to transmit that information to the dispatch center.

Mr. TAUZIN. So it would not be transmitting to the satellite back down?

Mr. MICHAEL. It would get the location information, but it would not be able to send that location information to the dispatcher.

Mr. TAUZIN. Because it never made a contact with the cell phone?

Mr. MICHAEL. That is correct.

Mr. SAWYER. That was exactly the point that I was trying to get at with the questions.

That brings me to the questions, and I apologize if I didn't understand fully the explanation of the concern about strongest signal.

Could you help me out, virtually anybody at the table, on the notion of strongest versus any usable signal and why any usable is preferable from your point of view?

Mr. MELCHER. I would be glad to take that one. First, there is a bit of a mischaracterization with the Swiss cheese thing in that there are a lot of areas that are not covered supposedly for economically disadvantaged areas or rural areas. There are also a lot of areas that are not covered that are affluent because of not-in-my-backyard syndrome.

So holes are there for more than one reason.

The ability of the phone to go to the other carrier, the other acceptable signal carrier is already there. We have the capability today of phones to roam on another network and some additional software that says if it is not on—if you are not here go to the other one with 911 being dialed automatically would preclude their use or you from having to switch anything. But with the user phones today, which we can do with public education, the user could already access the other network to provide for that coverage.

. SAWYER. Thank you, Mr. Chairman.

. TAUZIN. The Chair thanks the gentleman. The Chair is
l to recognize the gentlemen from Texas, Mr. Green, who
y been complimented for his fine work in Harris County,

r. GREEN. Thank you, Mr. Chairman, but in 1983 we never re-
the explosiveness of the mobile phone industry because

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again it was in its embryo stage back then and had lots of holes in that Swiss cheese back then that we don't have today.

A lot of the questions have been asked by other members and let me first start with Mr. Bibb.

First of all, as a cosponsor of the bill, I understand the concern about the endangered species and historical sites, that not in my backyard works even for folks who don't want to go to Harper's Ferry, and we don't want one on top of the Alamo in Texas either, but there are some realistic working relationships that can be had.

In our last hearing I know the joint working group between the cellular association and the agency said that the 60-day deadline was okay, and yet today you say it may not be. Again depending on what that 60-day is, if it is actually signing of the contracts, I don't think that is the case, but just so there is some kind of deadline so a request is not just lost in the agency or just put off because of the issue.

Mr. BIBB. The guideline that we put out to all Federal agencies after we talked with the cellular industry did say 60 days, either a yes or a no. If there are complicated issues that require hearings, we will—the guidelines say give at least a preliminary answer and give the cellular industry the expectation and take it on through the process. We think that is a fair amount of time. My major concern was if we were to interpret the bill language to say we must have an executed contract within the 60 days.

Mr. GREEN. I appreciate that and I know that the chairman's question dealt with that.

Mr. Melcher, again, I want to welcome you here and appreciate the work that Houston-Harris County 911 does. One of the main focuses of the bill is to help upgrade the public safety in answering points on what kind and how much impact do you see this bill having on the 911 community, particularly in Houston, but I would assume in lots of urban areas where we do have the problem and you are familiar in Houston we have lots of controversy about location of towers in residential neighborhoods.

Mr. MELCHER. And a brand new ordinance that establishes a tower commission, as a matter of fact.

I think the funds provided in this bill for network and infrastructure upgrades is significant. The potential impact is significant mainly because the infrastructure that 911 was built on was the analog infrastructure that was designed in the early 1960's and we sometimes referred to the signaling goes over those analog circuits the same way that the Nina signaled the Pina.

That has got to be upgraded. We can only do 7 or 8 digits across those networks right now and we need to move on the analog circuits to digital. The ability for Continental Airlines or American Airlines to move a call from one of its answering centers if you are an elite or priority-type passenger and you need to be handled by a special deal or you lose your luggage and they want to transfer you across the country, moving voice and data happens today. There is precedent in every area of technology except for 911. So all we need to do is shine the spotlight on 911 so that the manufacturers of those switches and those networks will sit up and pay attention and spend the few dollars necessary to upgrade those

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switches and allow all of this new technology, digital telephony, to work for 911 as well.

So we believe the impact is very significant.

Mr. GREEN. My last question, Mr. Chairman, is again having lots of legislative experience, I remember we created 911 for Harris County and then on the State level, the State got involved and created—there was some concern back then between what the State was doing and how it impacted the service in the local community that maybe was already up and running.

I don't want to create that same problem on the Federal level that maybe the States, like we had in the State of Texas and I am sure happened in lots of other States, where you had an urban area created 911 and then you had the State overlay and there was some concern about making sure that the urban area that created that system earlier was not left out in the cold, so to speak.

You don't think that we will have that similar problem on the national level?

Mr. MELCHER. We could modify the language slightly to clarify to make sure that a State program is encouraged and necessary or a statewide effort, if you will, not necessarily a State program, but a statewide collective effort is in place so that the moneys could be expended. We have—there are 24 such districts like your original bill impacted and some 20 home rule cities that have full autonomy in how they implement 911. And most of them are doing an excellent job and certainly don't need State oversight. You certainly would not want to have State oversight inserted where it is not necessary.

What I believe, though, is probably a good answer would be to clarify the language so that it makes the people in the State get their act together, provide for some legislation or a good program that says how we are going to do this and I think it is really a win/win situation, not only for the 911 community but for the carrier community as well.

Mr. GREEN. I look forward to that language, but also the ability to bypass a State agency or a State if an urban area like Houston or Dallas would have the technology to be able to do it without waiting on the State to provide that.

Mr. MELCHER. I think that would assist a lot of metropolitan areas where their State collective effort is not yet in place.

Thank you, Mr. Chairman.

Mr. TAUZIN. The Chair thanks the gentleman. The Chair will go a second round.

Let me point out in regard to Dr. Michael the extraordinary capacity of these new technologies.

I think it was a Cadillac with the North Star system several years ago that was the first in the Nation's history to automatically record an accident, two-car collision and to summon help over the 911 system to that location. In that case the cell phone was able to make a contact, automatically put a call in and brought ambulance services and rescue services to the site. Not only did the inhabitants of the Cadillac benefit but the inhabitants of the other car that was involved in the two-car collision got the benefit of a quick response.

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As a demonstration of that technology at a graduation ceremony at Nicholls State University last year in the address to the graduating students I introduced that and another technology to them to kind of open their eyes about what the real world that we are about to enter looked like, and in the course of that discussion with the students that night in the darkened auditorium I summoned the North Star system by remote phone and indicated that my mother had just called and had lost the keys to her car and needed to find it and could they please locate it for me and by satellite they tooted the horn and blinked the lights on the Cadillac which was parked in the back of the audience.

I went over to it with remote mike and a remote phone, all of these remote devices, and illustrated that the car was locked and again by cell phone contacted the North Star system headquarters and by satellite the satellite unlocked the car and let me into the car so that I could then use the car system to communicate with a computer that was inside the network, which then made a bunch of phone calls for me automatically. It was amazing but the bottom line was that the dots connect awfully well if we have the networks deployed and if the bill has the good effect of extending networks and connecting these dots and allowing both the GPS satellite location systems and the cell phone triangulation systems to immediately locate people, and here is the clincher. We take the "search" out of "search and rescue" and we are down to rescuing people instead of spending all of the time while people are dying out there trying to find them.

And yes, Mr. Markey has raised some question how do we further incentivize with the liability protection, and we are going to talk about that more as we go along.

But the whole purpose is to extend the networks, connect the dots teday that make sure that those technologies come together so that we no longer waste time trying to find people who need our help. We actually bring that help to them.

The second point that I want to make is the one that you made, Dr. Michael, in the test, and that is getting the right type of help to the right accident or the right emergency scene is critical. It may be that it is a woman in a house with a remote phone who has fallen down and can't get up and can communicate that she has a particular need.

On the other hand, it may be a three-car collision with a fire and explosives. It may be a simple fender bender. Wasting emergency response to an emergency that doesn't need it is as critical perhaps when some area is denied that equipment or that personnel as getting the personnel to the right location in the first place.

Getting the two ambulances to the site immediately rather than having to wait to learn that you needed a second ambulance—we can think of a thousand illustrations of why this bill is critical.

Again, let me compliment all of you for your comments.

Mr. Bibb, we intend to keep working with you to make sure that we accommodate some of your concerns. Some of your environmental concerns we take to heart. I want to discuss those more with you.

I don't want for us not to [illegible] to lo[illegible]e tower in south Louisiana because of gene[illegible]a [illegible] tr[illegible]uld prevent us from

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just locating a tower that will saves lives. We have to find a way, a tower that won't conflict with the physical and the birds in any dramatic way but nevertheless is there to save this young kid's life and his cousin and his uncle. We have to make sure that our bureaucratic laws designed for other purposes do not conflict these life saving purposes either. We don't want to create an anti-environmental issue here. We want a bill that works with the environment but nevertheless really expedites the deployment of these systems where in fact they fit in with the natural environment of parks and Federal buildings and Federal lands and private lands and buildings, where in fact they don't interfere with land value, use or environmental protection and so we will accommodate as close as we can the concerns that you have expressed today.

Mr. BIBB. We understand that, Mr. Chairman. You have been great to work with. As we noted at the other hearing, there have been amazing things done as far as making antennas compatible with the environment.

Mr. TAUZIN. You can make them look like trees. I suppose we can design them right so that eagles want to nest in them.

On behalf of the municipalities of America, I do not want to leave you with a misimpression. There are 38,000 municipalities in America with zoning authorities. Only 2 percent of them have a moratorium against tower siting. So the great majority of municipal governments, Mr. Sawyer, have accommodated technology to deploying wireless technology for service and women and men and everybody else who may need them in emergency situations like this, and I don't want to cast aspersions regarding the great majority of the cities who are moving forward. I just wanted to call attention to the 200, 300, 600 communities that still have a "just say no" policy, which I hope we can encourage them to rethink and to enlarge the capabilities of life-saving possibilities within their own communities as this bill would like to incentivize.

The Chair now yields to the ranking minority member, Mr. Markey.

Mr. MARKEY. Thank you, Mr. Chairman, very much.

The legislation creates a fund that will be used to provide for grants. Can any of the money generated through this legislation, through the leasing of taxpayer assets on Federal lands be subsequently used to pay the wireless companies to upgrade their systems for E911 capability?

Mr. AYLWARD. Yes. There are three permissible uses of the funds and use is up to the States. It is up to the State plan as to how they will spend it. One is to reimburse State and local E911 expenses; in other words, Mr. Melcher's agency's cost.

The second—and they could spend all of their grant money on the first if they wanted to. Or they could spend some on upgrading, using it for cost recovery before, instead of getting it from some other State or local source. They could use that money for cost recovery for the carriers' expenses or they could spend it on a set of other expenses, which is basically defined as anything else you need to do to make the end-to-end system work, the State can spend the money.

Mr. MARKEY. So in other words, the cell phone companies that pay into this fund could then have the money handed right back

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to them so that they would put the facility on a tower in order to create this service; is that correct?

Mr. AYLWARD. That is correct.

Mr. MARKEY. It is a circular thing, in other words, with the companies winding up with putting the money right back into their own pocket.

Mr. AYLWARD. I am glad that you noted that they were paying because before you said it was a gift. And yes, indeed they would be paying for the leases.

Mr. MARKEY. The gift is the use of the land. The gift is the use of the land, not the gift of the money. It is use of the land which is the public gift to the companies.

Mr. AYLWARD. But it is not a gift, it is a lease.

Mr. MARKEY. They pay them right back. They give the money to the fund and the fund then gives the money right back to the cell phone companies, so they wind up basically with no out of pocket expenses.

Mr. AYLWARD. Only for non-recurring.

Mr. MELCHER. If I may, it is cost recovery, not profit, and that is why we encourage the FCC to word it that way.

Mr. MARKEY. But you would profit from the placement of the tower, Mr. Melcher? Do you understand that?

Mr. MELCHER. Yes.

Mr. MARKEY. The company would. Not you. I am talking about the cell phone companies now.

Mr. MELCHER. Correct.

Mr. MARKEY. They have the gift of now access to a location that they would not have had otherwise had access to, and so my point here is that there is this circularity to the money that actually winds back up in the pockets of the cell phone companies, and let's just take Yellowstone Park, for example. Let's say that there are a million people in Yellowstone Park camping out for a week in the course of a year and they use their cell phone in the course of that week. That means tens of millions of additional dollars for the cell phone companies just in that one park.

Now you multiply that by all of the national parks in America and you have got hundreds of millions, perhaps over a billion dollars that they will receive each year. So the question then is are they also going to receive back the money from this fund for that purpose, and a second question I would like to pose is this.

There is an unresolved question of whether or not cell phones create cancer. Do they cause harm to people and this issue has never been resolved.

And my question is: Isn't there enough money that is going to be generated here that 5 percent of it could be set aside so that we could definitively answer the question that millions of Americans ask themselves on an ongoing basis—whether or not they will be doing themselves or some family member some harm by the constant use of a cell phone?

Can't we use part of the money for that purpose, Mr. Aylward? Do you want to answer the question or somebody else?

Mr. MELCHER. You pose two questions. The first is with the circular dollars.

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Mr. MARKEY. I would rather have you answer the second question.

Mr. MELCHER. I have to limit it to my area of expertise, and the only observation that I can make is aren't there other mechanisms in place to do cancer research?

Mr. MARKEY. No, this is directly on point. The cell phone industry is looking for a favor from the Federal Government. They are going to benefit by billions of dollars over a 10-year period by giving access to these properties. Could they in turn give us a small purge of it to deal with the issue raised by the public as a consequence of the Federal Government holding out—in other words, the Federal Government licenses this product, the cell phones of the Federal Government certifies the equipment. The Federal Government allows the towers on Federal land. The Federal Government, however, can't say that they are safe. We can't hold that out right now. We don't know that they don't cause cancer.

Can't we have the research done with a small amount of this money in order to answer that question? Mr. Melcher, do you think that would be a good idea?

Mr. MELCHER. I am told that the cellular industry and universities already participate in——

Mr. MARKEY. You are not answering my question. Don't you think that it is important that we as the Federal Government should expand this even further to get the answer before we hold out to the public that it is safe?

Mr. MELCHER. I believe that this particular bill should focus its efforts on trying to promote the team building and increase the level of technology in our infrastructure to answer the direct problem of getting 911 calls through.

Mr. MARKEY. Mr. Melcher, there are millions of Americans out there that are very concerned about this cancer question as well and want the answer to it, and there are billions of dollars involved in this one bill. Billions. Can't we have $20, $30, $40 million set aside to get the definitive answer to this one question?

Mr. MELCHER. As a 1,200-a-month minute average user, if that is the case I am a walking dead man. However, I would say that——

Mr. MARKEY. You don't know the answer to that question, Mr. Melcher?

Mr. MELCHER. I don't know.

Mr. MARKEY. I wouldn't be making a joke about it. There are millions who are concerned about it.

Mr. MELCHER. I am not a medical specialist. All I am asking, sir, is that we focus our efforts on the issue at hand. There are other mechanisms within the Federal Government to——

Mr. MARKEY. No, there are not, Mr. Melcher. We operate under severe budget constraints. We don't have the money in other parts of the budget. This is the perfect opportunity to resolve the public health and safety questions for the cell phone industry. In other words, there are many more people afraid that they are going to contract cancer than there are that they are going to have a flat tire on a road, and the answer to this question ultimately goes to the long term viability of the cell phone industry as well. If you are a public health and safety person, I don't know why you would

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shortchange the health side of it as well. I think that you have a responsibility, Mr. Melcher, to step up and talk about the health issue. You are dismissing, I think, much too cavalierly in terms of the general concern of the people in your area and the concern that they have about how they can be affected by this issue.

Mr. TAUZIN. The gentleman's time has expired. The gentleman can respond.

Mr. MELCHER. My job is a 911 professional and not a medical professional or researcher. My goal here is to make sure or try to encourage you to maintain focus on the technological issues here. It is our understanding through other sources that there are other arms of the Federal Government that can handle your question. That is the only answer that I have for you.

Mr. MARKEY. But it is not a good answer.

Mr. TAUZIN. The Chair will now recognize the gentlelady from California for a round of questions.

Ms. ESHOO. Thank you, Mr. Chairman. There is a lot of print in this bill, but in my mind there are two things that really need to be reviewed very carefully, and hopefully have the questions that are posed answered.

Several of us have touched on the money end of it. The bill actually puts out that this is subject to an appropriation process every year as to whether these programs would then be funded or have the moneys in place that can then be applied for through the States.

So it is subject to an appropriation process every year. And I don't know how solid that is or how anyone can project with any certainty out in the future on something that deals with public safety. I don't think that is something that should be on 1 year, off the next, up 1 year, down the next because it will not fulfill the commitment that this effort makes.

That having been said, if the bill were law today, if the bill were law today and it had its beginning appropriation, its first appropriation, would the technology that you speak to be in place so that not one person in this country would be left without 911 service?

Anyone care to answer that?

And if not, how long would it take? Is it 10 years, 5, 7, 2½? The best of your professional capability to answer that, and then I have a specific question to Dr. Michael about what he showed us here. Does anyone want to go to the question?

Mr. AYLWARD. If I can take a shot at basically two questions.

One, on the money, I think it is very important to understand that today's experience with leasing is not terribly relevant. Right now the Federal Government——

Ms. ESHOO. That's not what I asked. I don't want to go into the money end of it. I have very little time and I have stayed through the whole hearing so that I can be part of the second round.

Mr. AYLWARD. The "how soon" question has two parts. How soon are you going to get it to the vast majority of the population; that is, where there is already wireless, I think the answer is within 3 to 4 years you could cover the country.

Ms. ESHOO. The entire country would be covered in 3 to 4 years?

Mr. AYLWARD. The amount of money that we are talking about here is not going to pay for it. The amount of money that we are

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talking about here is going to encourage the real sources of money, Governors and others, to focus on the real sources of money which are not here.

This is an incentives bill, not a pay-for-it-all bill. And if we can get the attention of the Governors——

Ms. ESHOO. But I want to underscore for the members here to understand very clearly that this—it is not that there is something that is preventing this from happening now, although you do see it because you want to be incented to do it, but that we don't have a technology now that can do this and it will take at least 3 or 4 years.

Mr. AYLWARD. We absolutely have the technology now that can do all of this. What we do not have is the decisionmaking structure of all of the right people with the power around the table to make the decision to get it done. That is what this bill is about.

Ms. ESHOO. Are you scolding me?

Mr. AYLWARD. No, ma'am, but I just feel strongly about it.

Ms. ESHOO. So what is preventing the technology from being used now where every American is assured when they dial 911 that it is not blocked, that it is not accessible, that there are not holes and we have used all kinds of things to describe it?

Mr. AYLWARD. Political, financial and legal issues, primarily described as having the right people in the room, a Governor, Congress, carriers, CEOs, heads of cities sitting down and saying let's make this happen in our community, what do we all need to do.

Ms. ESHOO. Is there any State which has accomplished this?

Mr. AYLWARD. No.

Ms. ESHOO. Or have all 50 States failed to bring people around the table?

Mr. AMAROSA. If I can answer that by putting on my old hat for a moment, across this country we have been very successful in getting a lot of things done for this team building and partnership that exists and when the political environment in particular areas is conducive to bringing some of these issues forward and there is sufficient funding and there is sufficient legal mechanism that is in place to implement, we have been very successful.

In a lot of the large metropolitan areas you have seamless networks, as you have in California and you have in other parts throughout the country.

I think what this bill does is it takes the step forward of trying to bring the folks to the table, putting decisionmakers and especially those who can make their decisions about their localities and take a technology that does exist and is proven and move forward. We were very successful as a 911 community on the wireline side when we fought to get Enhanced 911 across the country in those areas that had basic 911.

Now I think the same type of success has to be applied to this whole mechanism that exists.

Ms. ESHOO. Mr. Chairman, I am going to have to leave to go to another meeting. Can I just ask one quick question.

Mr. TAUZIN. Absolutely.

Ms. ESHOO. This is to Dr. Michael. To what tower does the car connect now? Does the driver have to be subscribed to one carrier or another or does the call go to another signal in the area? Can

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you describe relative to what you held up here and show the committee?

Mr. MICHAEL. In our operational test, the driver is subscribed to a service in the vicinity of his home. In the test this was in Erie County. So the call is made similar to the way it would be made on a pocket phone from the same area. It is made to the nearest tower and directed to the 911 center.

Ms. ESHOO. And that works from anywhere?

Mr. MICHAEL. That works within the vicinity of the 911 call center.

Ms. ESHOO. Do they have to be subscribed to one carrier or another in order to——

Mr. MICHAEL. In our operational test the test participants are subscribed to the local carrier.

Ms. ESHOO. And that works all the time?

Mr. MICHAEL. Yes, it does.

Ms. ESHOO. It does?

Mr. MICHAEL. Yes, it does.

Ms. ESHOO. Thank you, Mr. Chairman. Thank you again for having the hearing. I think we have some things to iron out in this bill. I think that there are some concerns that are legitimate, and I am not using or saying that as an excuse to try and frustrate what I think is a very important effort.

I have been on different parts of 911 since I came onto this committee, so I care about it and I think people here are part of the solution, but I think that the public trust and the public lands and how that works and how the money flows has to assure what the warranty or the guarantee of the bill states, and that is that everyone will actually get what we are advertising in the bill and I am not so sure of that yet.

Mr. TAUZIN. If the gentlelady would yield——

Ms. ESHOO. Sure.

Mr. TAUZIN [continuing]. As Mr. Bibb pointed out, we have had many discussions with the agencies and with individuals who—supporters of the bills and with members and we will continue those discussions. This is our first cut of trying to get a consensus bill, and I suspect as we go through it there will be ample opportunity to perfect it even further.

You know from working with me in the past that we want your input and counsel and we will continue in that effort.

I thank the gentlelady.

The Chair will now yield to the gentleman from Ohio.

Mr. SAWYER. Thank you, Mr. Chairman. I just wanted to follow up on two specific areas.

Is the test that is going on in Erie County using the convenience of an automobile mounted system to take advantage of geo-positioning technology?

Most of the discussions that we had last time was centered around triangulation among a variety of towers that would compute location with some accuracy.

How far are we away from implementing that kind of system as a practical matter so that we are not just talking about car borne 911 wireless technology but pocket borne 911 wireless technology?

Or perhaps somebody else can answer that better than you?

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Mr. AMAROSA. Well, basically that is the location technology that TruePosition is talking about. It is a terrestrial-based system which is predicated upon the ability to access the towers and the carriers to implement the system at that given point in time so that you will then have all 911 calls capable of being located. It is done through what is called the time difference of arrival where——

Mr. SAWYER. I understand how it works. It is just that most of our conversation has been built around the Erie County experiment, which is a substantially different approach and one that while it may explore some of the problems that are involved in wireless 911, probably don't cover the full range of technological difficulties that may be available.

Mr. AMAROSA. It is available right now, I might add.

Mr. SAWYER. My second question then goes to Mr. Aylward. I may have misread his body language, but during the discussion with the gentleman from Massachusetts he kept trying to lean forward as Mr. Melcher did the best he could. I may have misread that. However, the whole question was whether this legislative vehicle was an appropriate one for dealing with safety research on cell phones, did you have a comment that you wanted to add to that?

Mr. AYLWARD. Yes, we had a long private conversation with Mr. Markey and his staff about this the other day.

I am not one to oppose medical research in general on anything. That is contrary to my personal nature. We had a long talk about this in the ComCARE Alliance with a lot of doctors and nurses and other people sitting around the table, and we came to a decision on this in the same way that we have on the other policies and that is it was the general view of our group knowing that Mr. Markey is important to the passage of this bill and knowing that he was talking about doing this. The general view of it was, look, we know the cost-benefit analysis of doing this end-to-end system. The other is a question that we don't know the answer to definitively because it is not the kind of question that you know the answer to definitively, but we do know everything so far shows that there isn't a problem. No. 1.

No. 2, there is a lot of research going on around the world. So it is not a question of, gee, we have been at this for 10 years. He is exactly right, the Congressman is, when he said that it takes a while for epidemiology studies to show up, but that is happening. The industry has funded $25 million of it. World Health Organization is doing it. This is not my field, but there is a lot going on.

Mr. TAUZIN. Would the gentleman yield here?

Mr. SAWYER. Yes.

Mr. TAUZIN. I would like to read into the record a couple of things just to put it into perspective. That the International Commission on Nonionizing Radiation Protection reviews the ongoing research. This is their statement so far on the epidemiology studies. "There is no convincing evidence yet that typical exposure levels leads to adverse reproductive outcomes or increased cancer risk on animal and cell research. So far there is no evidence that there are any teratogenic or carcinogenic effects to exposure to high frequency RF." There are 45 studies underway in the United States

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and in the world on this very subject going on right now. I have totaled up $36.5 million spent in the United States and worldwide, so it is not a subject that is being ignored. I just want that on the record and so far the evidence does not seem to indicate a problem but they are still looking and they want to be as sure as they can about it.

Mr. SAWYER. If Mr. Aylward may finish.

Mr. TAUZIN. The gentleman's time is extended.

Mr. AYLWARD. Actually, for once I thought I was finished.

Mr. SAWYER. I am pleased to yield.

Mr. TAUZIN. Mr. Markey.

Mr. MARKEY. I thank you.

In January of this year I received a letter back from the Department of Health and Human Services in answer to questions which I had posed to them on the subject of the health effects of exposure to radio frequency in the cell phone area.

And the question that I asked was does the FDA believe that additional government funding is needed to perform scientific investigations of RF exposure in order to more adequately assess potential risk to the public.

The answer was the FDA believes additional research in the area of RF exposure is needed; a concerted effort by all of the responsible government agencies would help to facilitate obtaining the additional information to address this issue.

The point that I am making here is that all of the studies that were being referred to were all industry studies, and it is not that I didn't question the sincerity of the studies any more than the tobacco studies on those issues. Maybe a little more.

But the government, if we are going to give this industry access to the 275 million people who go to national parks each year, that is a lot of money that they are getting. The least we can ask in return, it seems to me, is for them to put aside out of the huge amount of revenues that are going to be generated, to the government, the FDA, whoever, do a definitive research on this subject. Or else we are making it even easier for people to use these technologies and not really be doing anything to resolve the issue.

Mr. AYLWARD. With all due respect, it is not all industry funded. The U.S. wireless industry has funded about $25 million, but a large number of the studies that I was referring to and that are in fact going on are government studies done by individual governments or intergovernmental agencies like the World Health Organization, the government of Australia. There is a slew of other government studies being funded around the world.

Mr. MARKEY. Then the answer is this, if the rest of the world's government can do that, why can't our government do that?

Mr. TAUZIN. We have to do this according to rule, Mr. Markey. The gentlemen has the time.

Mr. MARKEY. I apologize.

Mr. TAUZIN. The rules are that you ask the gentleman to yield if you would like to say something. The gentlemen is recognized and has the time.

Mr. MARKEY. I apologize. I was out of line.

Mr. TAUZIN. No problem.

Mr. Sawyer is recognized.

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Mr. SAWYER. I have completed my questioning.

Mr. AYLWARD. If we could submit for the record, there are a series of studies going on and we have shared them with a few members. I think we could share them with the full committee, the studies that we are aware of that are going on.

Mr. MARKEY. If I can ask the gentlemen to yield briefly?

Mr. TAUZIN. Sure.

Mr. MARKEY. It would only be to this point. Yes, other governments are doing research. We have a population of 270 million people. We are the wealthiest country in the history of the world. We hold ourselves out as the best research in terms of health care. If any discoveries are going to be made, the highest likelihood would be that they would be made by American scientists. This is a very thorny question once and for all. I would highly recommend that we take the opportunity to give the public the answers about their health care that they are concerned about.

Mr. SAWYER. Mr. Chairman, I would be pleased to yield back the balance of my time.

Mr. TAUZIN. The Chair recognizes Mr. Shimkus.

Mr. SHIMKUS. Thank you, Mr. Chairman.

Our duties require us to jump away now and then and so this may have been answered, but I want to get an answer and understanding of the strongest signal issue, which I still don't really understand.

What is it about the strongest signal issue that there is opposition to that? Mr. Amarosa, you look like——

Mr. AMAROSA. Well, I think there are a few things that may help shed some light on the issue.

First of all, the strongest signal is a misnomer. It is not when there is no signal. It is a question that one signal is a little bit stronger than the other, which does not mean that that signal——

Mr. SHIMKUS. Are you talking about distance?

Mr. AMAROSA. No, decibel levels indicated by what is receivable. It does not mean that call cannot go through on the signal that is less strong at that given point in time; what that opens up is a whole host of other issues.

It goes to another carrier, it goes to another cell siting where it is then funneled through a whole other system.

Mr. SHIMKUS. Where the 911 is intent to have a 911 system have a "stronger" signal so that it is received quicker?

Mr. AMAROSA. No, that is not really what it is. The strongest signal is saying that they want to ensure that the call gets through. In order for the call to get through, they are equating that to receiving the strongest signal. You can go with a lesser signal and still get through to 911 where the stronger signal would take over and if the stronger signal did take over there is the potential that it would be misdirected to the wrong PSAP.

You can have a situation where you are making the call from Orange County in New York and trying to get the PSAP there where the strongest signal would send that information to the strongest system in Westchester County which would have no means of responding other than to reroute the call, delay, et cetera, and that is part of the issue.

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What we have talked about in terms of resolving this issue, everyone wants that call to go through. That is not the issue. Everyone wants the 911 call to go through. What we talked about is where there is no usable signal to then go to a signal that is capable at that given point in time.

Mr. SHIMKUS. Thank you. I guess my 5 minutes is up.

Mr. TAUZIN. We have time.

Mr. SHIMKUS. I would like to add on and I appreciate that because I was just struggling with that response. Why I am a cosponsor of this bill is because it saves lives and anything that we do to delay the implementation simply costs lives. If we wait until the entire grid is full and there are no holes in the Swiss cheese, lives are lost. If we divert some of the money for research on possible effects of cellular use, not having money available to exploit the new technology, we lose lives. I think we need in—and the military taught me a long time ago the kiss principle, keep it simple, stupid, and we need to deploy this to save lives, and I appreciate your comments.

Mr. TAUZIN. I thank the gentleman. Let me hopefully wrap this up from a quote from the report of our last hearing on this subject.

Although deaths from vehicle crashes have declined in recent years, deaths at the scene prior to emergency medical care have doubled in the past 20 years. They now exceed 20,000 per year. In 40 percent of the crash fatalities today response time is 20 minutes or more. In urban areas the average EMS response time is 30 minutes. In rural areas it is 50 minutes or longer. Literally according to FARS, the Fatal Accident Reporting System, of the National Highway Traffic Safety Administration, 57 percent of the fatalities in 1995 occurred in rural areas as opposed to 40 percent in urban areas.

Now, the bottom line is that 20,000 Americans died. I don't know how many this bill might save. We would be very risky trying to say that we are going to save 3,000 or 4,000 lives, but 20,000 did die and the number is doubling at the crash scene in the last 20 years.

And so regardless of what else we might differ over in terms of the context of this bill, I think we are united in that view, that if in this bill we can advance the cause of saving some of those thousands of lives that would needlessly be lost between the moment of crash and the time emergency assistance arrives, it will be worth the effort and the discourse and the debates and whatever else we go through to eventually get this bill through, and I want to thank all of you for continuing to contribute.

I want to thank my friends Mr. Markey and Mr. Shimkus and the others who co-sponsored and worked with us, and let me offer again our continued open door policy of further discussions, of examination of your concerns. We offer the bill so that you would in fact dissect it, study it carefully, give us your best judgment on how we can make it a better bill.

It is our hope to move it very soon to markup of this subcommittee and full committee. So while the door is open and the invitation to counsel with us is always there, I would urge you to please walk through that door as rapidly as possible because, as Mr. Shimkus says, there is no need for other people to die out there needlessly

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if we can get this legislation passed and save that life in our society.

Again, I want to thank you for your contributions today. Unless there is something else that another member has, the hearing stands adjourned.

[Whereupon, at 4:15 p.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows:]

PREPARED STATEMENT OF CARL B. HILLIARD, JR., GENERAL COUNSEL TO THE AD HOC ALLIANCE FOR PUBLIC ACCESS TO 911

Chairman Tauzin and Members of the Subcommittee: Thank you for the opportunity to make this statement on behalf of the Ad Hoc Alliance for Public Access to 911 (the "Alliance") concerning the proposed Wireless Communications and Public Safety Act of 1998 ("H.R. 3844"). The Alliance is a collective of diverse public safety, public interest, non-profit, disability and consumer concerns who are vitally interested in seeing that commercial mobile radio services ("CMRS") develop and operate reliable 911 services. The Alliance has participated in proceedings before the Federal Communications Commission ("FCC") involving wireless 911 service (Docket 94-102) and has been selected by the FCC, along with representatives of the CMRS industry and the Public Safety Community, to regularly report back to the Commission concerning certain aspects of its orders relative to wireless 911 service.

SUMMARY

The Alliance supports the objectives of H.R. 3844 and respectfully submits the proposed changes to that bill set forth. These changes would accomplish the following:

1. Provide for participation by consumer organizations in the Wireless Emergency Services Advisory Group and in the development of State plans to implement the objectives of H.R. 3844.
2. Provide that seventy-five percent (75%) of any income received by CMRS providers from the direct or indirect use of location equipment shall be first applied as a credit against any charges to public safety organizations and then credited against charges to subscribers for 911 service. The balance, if any, to be returned to the WICAPS fund.
3. Require a CMRS provider seeking access to Federal property to:
   a. Disclose all alternatives to the proposed facility which will provide the public with access to 911, and,
   b. Have the burden to show that the proposed facility is necessary to access 911 and is designed to have the least possible impact on the subject property.
4. Allow limited liability only if CMRS providers are subject to the same level of State and Federal regulatory oversight as local exchange telephone companies.

Participation by Consumer Organizations

The role of consumer organizations is to be advocates for the public interest. They are free from any entanglements and dependencies that arise out of day to day relationships and often mute disagreement. The symbiotic liaisons between the CMRS providers and the Public Safety Community is a case in point.

It is not in the nature of the various groups listed as advisors in H.R. 3844 to raise questions or challenge statements made by the CMRS industry. Consumer groups are not so constrained. "Sunshine is the best disinfectant" and sunshine is what consumer groups have brought, and will bring, to the discussion concerning the wireless 911 system. The real constraint is that a consumer group is not able to match the blitzkrieg that can be, and is now being, mounted by the CMRS industry. To help balance this situation, the Alliance proposes that consumer groups be included and reimbursed for their costs if it is deemed that their contributions have been in the public interest.

Distribution of Any Revenue Resulting from the Use of Location Equipment Paid for With Public Funds.

It is appropriate that the public pay for the facilities required to locate wireless users who are calling 911. However, it is apparent that these same facilities can be, and will be, used to provide other commercial services. Obviously, the public should receive some of the revenues from the provision of commercial services over facilities paid for by the public. The Alliance has proposed that seventy-five percent (75%) of such revenues be given back to the public. Even this provision may not be

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sufficient if the current forecasts of revenue streams from various commercial location services are realized. In this event, the CMRS provider, who used facilities purchased with public funds to develop this market, may find it expedient to junk these facilities and purchase a new system to avoid sharing revenue with the public. Accordingly, the Subcommittee may wish to consider a provision which would require a CMRS provider who elected to purchase location equipment with public funds to share any and all location services revenue with the public, without regard to the facilities used, for a reasonable period of time after the publically purchased equipment was installed.

Showing Required to Use Federal Lands.

The Alliance supports the use of federal lands to extend the reach of wireless coverage to the degree necessary to provide access to 911. This need must be balanced with the public's use of the parks and other such areas that would be diminished by the unnecessary installation of unsightly towers by the soon to be up to twelve (12) CMRS providers in each area. The availability of a single facility from one CMRS provider may be sufficient to meet the need for public access to 911 through such measures as the selection of the strongest compatible signal. Furthermore, there are a multitude of less intrusive alternatives to towers such as micro cells, superconductors, use of fiber optics, etc., which can ameliorate what would otherwise be unsightly intrusions to our nation's park lands. These alternatives should be disclosed to the administrator of the federal land during the application process. The amendment proposed by the Alliance would place the burden on the CMRS applicant to show that the proposed facility to be place on Federal lands is necessary for access to 911 and is the least intrusive of the possible alternatives.

1. Limitation of Liability.

The Alliance is opposed to granting limited liability to CMRS providers for three reasons. First, limiting a CMRS providers liability for negligence would likely remove, or at least diminish the provider's incentive to develop and operate reliable 911 services. Second, limiting liability would encourage a CMRS provider to misrepresent, or at least avoid educating the public concerning, the questionable accuracy and reliability of wireless 911 service. Third, the analogy to local telephone exchange carriers, public safety organizations or good Samaritans is inappropriate.

Extensive advertising by CMRS providers and others heavily promotes safety as a prime consideration in the purchase of wireless phones. The success resulting from this sales strategy is evidenced by recent studies which indicate that up to sixty-eight percent (68%) of wireless phones were purchased for safety and security reasons. What is not said, or understood by the public, is that the advertised coverage from CMRS systems has little relevance to the ability of a wireless phone user to reach 911. This is especially true in the instance of lower power hand held wireless phones which are used by approximately ninety percent (90%) of CMRS users. Two tragic events demonstrate the problem. In 1994, Marcia Spielholz was chased by carjackers in Los Angeles for up to ten (10) minutes before she was cornered and shot in the face. During this chase, she frantically dialed 911 on her portable wireless phone but was not connected to the emergency operator. The Alliance conducted a test of the wireless system along her route of travel and found that no voice communication was possible over the CMRS system she was using. In 1998, Joseph Lechuga and his family were traveling along Angeles Crest Highway when their car hit a patch of ice and went over the side of the road. Six calls for help from the Lechuga's portable wireless phone should have been, but were not, connected. That family perished. In both the Spielholtz and Lechuga situations, coverage was advertised by, but in fact not available from their CMRS providers.

These incidents continue to attract heavy media attention because reliable access to 911 is a vital public concern. Adoption of a statute limiting liability would continue to mask the unresolved issues of CMRS accountability and consumer education concerning these system deficiencies.

The CMRS providers, when convenient to their positions, draw an analogy to local exchange telephone carriers. These carriers have traditionally been monopoly providers of basic residential and business exchange telephone service and limit their liability through tariffs file with State public utilities commissions ("PUCs"). Local exchange carriers are accorded limited liability because they are closely regulated and have universal service obligations. As a result, the PUCs are directly responsible for ensuring that the planning, construction and operation of the landline 911 service is prudent. The prudence review of the regulatory process do not apply to the CMRS industry. Without responsibility or regulatory review, there is little incentive for a negligent CMRS provider to improve its 911 services. The only protection available to the public is the state consumer protection and tort laws. The adop-

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tion of the limitation of liability provisions of H.R. 3844 would strip victims of CMRS negligence of their right to just compensation.

2. Conclusion.

The Alliance appreciates the opportunity to provide this statement concerning the proposal to improve wireless 9-1-1 service to the public. The Alliance would be pleased to provide any further assistance to the Subcommittee in its efforts to enhance the law in this area.

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ISBN 0-16-057644-X

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